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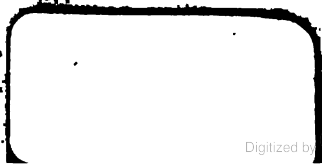
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Vol 27. P.

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27. 12. 23/

ROMAN HISTORY,

FROM THE

Building of R O M E

TO THE

Ruin of the COMMONWEALTH.

By N. HOOKE, Esq;

V O L. II.

THE FOURTH EDITION.

D U B L I N.

Printed for WILLIAM WATSON at the Poets Heads in
Caple-Street. M DCC LIX.

TO NEW YORK
PUBLIC LIBRARY

229050A

ACTOR, LENDY AND
TILDEN FOUNDATIONS

R 1936 L

THE ROMAN HISTORY.

B O O K II. Continued.

C H A P. XIV.

§. I. *The Romans gain some victories over the Volsci and Hernici.* §. II. *Sp. Cassius (now a third time Consul) concludes an alliance with the Hernici upon terms which displease the Senate.* §. III. *He proposes the AGRARIAN LAW.* §. IV. *The opposition of the Nobles to the passing of this law. The Consul Virginius and even the Tribunes oppose it.* §. V. *The artful conduct of the Tribune Rabuleius to draw an advantage to the People from the dispute between the Consuls.* §. VI. *Cassius to get his law passed brings great numbers of Latines and Hernici to Rome to vote for it. His Collegue orders them to leave the City.* §. VII. *The Senate, to quiet the contention, decree a Partition of the conquered lands, but defer the execution of their decree.* §. VIII. *Cassius is arraigned before the People for treason.*

§. I. **T**HE *Volsci* soon experienced a great change Phr. p. in their affairs by the want of *Coriolanus* to 233. command their Troops. In conjunction with the *Æqui* they made a new incursion into the *Roman* territories, but the latter refusing to submit to *Attius Tullius* as their General, there ensued between these confederates a quarrel that was followed by a bloody engagement, in which, says *Livy*, the good fortune of B. 2. c. 40. the *Romans* destroyed two hostile armies. The *Consuls* had notice of this event, and were posted but four D. Hal. p. miles from the field of battle, yet their cowardice was 531. such, that they made no advantage of the accident,
VOL. II. B but

Y. of R. but marched back to *Rome*, where they were received
 266. by the People with houtings and reproaches.

Bef. J. C. Sensible of the disadvantage of wanting skilful and
 486. courageous Captains at their head, the *Romans* chose
 23d Con- two Consuls, for the next year, of known bravery and
 sulship. ability in war, *Aquilius Tuscus*, and *Sicinnius Sabinus* :
 D. H. B. *Aquilius* gained a victory over the *Hernici* : and the *Volsci*
 8. p. 532 were totally routed * by *Sicinnius* ; their General *Attius*
 & 534. *Tullius* being slain in the battle.

Y. of R. §. II. TO these Consuls succeeded *Spurius Cassius*
 267. (who had been twice before in the same station, and
 Bef. J. C. had obtained a triumph) and *Proculus Virginus*, a man
 485. of approved courage. It fell to *Virginus's* lot to make
 24th Con- war with the *Æqui* ; but these, not being prepared for
 sulship. fighting, retired with their effects into their towns ; so
 D. Hal. that the Consul (who probably was not in a condition to
 p. 536. undertake sieges) when he had a while ravaged the
 open country returned with his army to *Rome*.

Cassius marched against the *Volsci* and *Hernici*, both
 which nations took the same measures as the *Æqui*, to
 avoid a battle : but growing impatient of the devastations
 made on their lands by the Consul, they success-
 D. Hal. fully sent Ambassadors to him to ask peace. The *Vol-*
 p. 536. *sci* were the first suitors. *Dionysius* tells us, that *Cassius*
 readily granted their request on their paying a cer-
 tain sum of money and furnishing his soldiers with
 such cloaths and provisions as they stood in need of.

And he adds, that, laying aside the presumptuous
 thought of being on a foot of equality with the *Roman*
 Republic, they by the treaty of peace, agreed ^b to be-
 come her subjects.

The *Hernici*, thus abandon'd by their allies, sued to
 the Consul not only for peace, but an alliance with
Rome, offering to submit to such just and reasonable con-

* *Livy* says, that in the war with the *Volsci* there was no advantage
 gained on either side, *cum Volscis æquo Marte discessum est*.

^b This has not the least degree of probability, as will hereafter be
 shewn ; it is more likely that the *Volsci* disdained an alliance with the
Romans ; unless by the *Volsci* the Historian means only two cantons of
 them, which had formerly been in alliance with the Republic.

ditions

ditions as he should prescribe. *Cassius*, after exacting a Y. of *R.*
month's pay for his troops and some provisions, referr'd ^{267.}
the Ambassadors to the Senate for the treaty of peace. ^{Bef. J. C.}
The Senate decreed to admit the *Hernici* into the friend- ^{485.}
ship of the *Roman* People, but left it absolutely to the ^{24th} Consul-
ship.
Consul to adjust the conditions.

The treaty made by *Cassius* with these neighbours was, *mutatis mutandis*, a transcript of that concluded in his second Consulship with the *Latines*, which, that the reader may better understand the passage of the History we are now upon, it may be proper here to insert.

“ Let there be peace between the *Romans* and all the
“ *Latin* States, while Heaven and Earth endure.
“ They shall neither make war themselves, nor raise
“ foreign enemies against each other, nor shall either
“ of the contracting parties suffer such enemies to pass
“ through their territories to attack the other. Each
“ shall with all its forces defend the other when at-
“ tack'd from abroad, and when a war is carried on
“ at their joint expence, they shall *equally share* the
“ spoils of the enemy between them. All disputes a-
“ bout private contracts shall be judged and decided in
“ ten days, in the courts of that nation, where the
“ contracts shall have been made. Nothing shall be

* The record of this treaty seems to have been preserved to the time of *Augustus*. For *Livy*, B. 2. c. 33. speaking of the bravery of *Coriolanus* in the war against the *Volsi*, the same year that this treaty was made with the *Latines*, says, that the glory of the Consul *Cominius*, who commanded in this war, was so much eclipsed by the gallant behaviour of *Coriolanus*, that if the treaty concluded with the *Latines* by *Sp. Cassius*, in the absence of his colleague, and engraven on a pillar of brass, had not been a lasting proof that *Cominius* conducted the war against the *Volsi*, his share in that expedition would have been totally forgotten.

As to the treaty of friendship and alliance now made with the *Hernici*, (according to *D. Hal.*) in the third Consulship of *Cassius*, *Livy* says nothing of it, but tells us that *Cassius* took from the *Hernici* two thirds of their lands, and that it was afterwards objected to *Cassius* as a crime, that he had left them one third, when he might have taken all, which is totally incredible, the *Hernici*, according to his own account, not being reduced to that degree of subjection till one hundred and ninety years after this time.

Y. of R. " added to, or rescinded from this treaty but with the
 267. " consent of all the *Romans* and all the *Latines*."
 Bef. J. C. Though a treaty in this form did not import an ad-
 485. mission of the People with whom such treaty was
 24th Con- made, to the right of *Roman Citizenship*; yet, that by
 sulship. some act this right was granted to the *Latines* and *Her-
 nici*, we learn from *Dionysius*; but it ought to be ob-
 served, that the *Jus Civitatis* was little more than an
 honorary title, except to those who removed to *Rome*,
 settled there, and conform'd to the laws and religion
 of the *Romans*. Such only had the right of suffrage
 and the other substantial privileges of the proper Ci-
 tizens.

D. Hal.
 P. 537.

Cassius, at his return to *Rome*, demanded a triumph; and, tho' he had no spoils nor prisoners of war to adorn it, had taken no town by assault, nor had fought any pitch'd battle, his demand was readily granted by the Senate; who nevertheless, *Dionysius* would have us believe, inwardly accused him of arrogance for making the request. And the same Historian represents the most antient and most considerable of the Fathers, as suspecting the Consul of some mischievous design when they learnt from him, that by his treaty with the *Her-nici* he had put them upon the same foot with the *La-tines*, though they had not the same title to the favour of the Republic. Yet, it seems, what piqued them most was his pride, in that, after the Senate, declining to settle the conditions of the treaty themselves, (as he desired they would do) had referr'd that matter wholly to him, he did not shew the Senate the like respect, by a second application to them, but finished the affair without their farther participation. But all these objections to the conduct of *Cassius*, if they were ever made before *Dionysius* made them, seem to have had no place at the time. The *Greek* Historian having resolved to adopt the improbable and ill supported tale of *Cassius's* aspiring to be King of *Rome*, prepares his reader to give credit to it, by previously blasting the Consul's character with the charge of inordinate pride and ambition, discovered in the instances abovementioned.

tioned. But, to proceed in our story, which, in substance, is thus related by *Dionysius*.

§. III. THE very next day after his triumph, *Cassius*, according to custom, convened the People to give them an account of his conduct in the war: and on this occasion he enumerated the services he had done the Republic in his former Consulships. He reminded the assembly that, during his *first*, he had in battle vanquished the *Sabines*, those rivals of *Rome* for Empire, and reduced them to become her subjects; that in his *second* he had happily quieted the seditions at *Rome*, and had found means to prevail with those of the Citizens who in anger had made a *secession*, to return contented to their native city; and in the same magistracy had brought the *Latines*, who, tho' allied by blood to the *Roman* People, were ever jealous of their glory and power, to a firm and sincere union with them: that in this, his *third* Consulship, he had forced the *Volsci* to peace, and had engaged the *Hernici*, a great and powerful nation, near neighbours of *Rome*, and in a condition to do her great hurt and great good, to give themselves, as it were, entirely to her. He assured them, that no man had the interest of the Republic so much at heart as he had, and should always have; and concluded with promising, that by the many and great benefits he would, in a very short time, procure to the *Roman* People, he would surpass all those patriots who had been extoll'd for their popular inclinations and zeal; and with this promise, unexplain'd, he dismiss'd the assembly.

The following day, having convened the Conscrip't Fathers, whom his harangue to the multitude had fill'd with an anxious impatience to know whereto it tended, he at once declared to them his project. He said, that, as not only the liberty of *Rome*, but the empire she had acquired over other States was chiefly owing to the bravery of the *Plebeians*, he thought they well deserved that some regard should be had to their interests; and that it was but just that all the *conquer'd lands*, of which the most audacious and shameless of the *Patricians* had

Y. of R. 367.
 Def. 7. C. 485.
 24th Con-
 sulship.
 * B. 2.
 C. 41.
 D. Hal.
 p. 538.

illegally got * possession, should be divided among those *Plebeians*, of whose victories they were the fruit. It was then, says * *Livy*, that the *AGRARIAN LAW* was proposed for the first time.

Cassius added farther, that to him it likewise appear'd no more than equitable, that the poor Citizens of *Rome* should be reimburs'd * whatever money they had paid for the corn, which *Gelo*, the *Sicilian King*, had made a present of to the Republic; and which ought to have been distributed *gratis* to the People.

§. IV. WHILE the Consul was speaking, a confused noise arose in the assembly; all the senators exclaiming at once against these proposals; and as soon as he had ended, his Collegue *Virginus*, rising up, loudly accus'd him of purposing to kindle sedition in the Republic; an accusation in which he was supported by the eldest and most considerable of the Fathers; and especially by *Appius Claudius*. The city was presently divided into two factions, each with a Consul at its head. In the frequent assemblies that were held of the People, *Cassius* had for some time a very great majority; but at length, the Tribunes taking part with *Virginus*, the numbers on both sides came nearer to an equality. These *Plebeian* magistrates, tho' they plainly saw how advantageous it would be to the Commons to pass the Law in question, were yet very unwilling that they should be obliged for it to a *Patrician*; and *Cassius* himself, by one part of his project, furnish'd the Tribunes with a plausible pretext for opposition. *Dionysius* is of opinion, that had his law import'd no more than that the lands should be divided among the native *Romans* only, he would probably have succeeded in his enterprise; but that, to secure to himself creatures and adherents abroad as well as at home, for promoting the

* See p. 294, Vol. I. where the avarice and injustice of the nobles, in relation to the public lands, are fully described.

* *Livy* mentions this proposal as made by *Cassius*, not at this time, but afterwards, to recover the affections of the People, when they began to entertain a suspicion of his aiming at the Tyranny.

views of his ambition (this is the construction put upon Y. of R. it by the Historian) he was for admitting the *Latines* ^{267.} and *Hernici*, lately made Citizens of *Rome*, to a share ^{Bef. J. C.} in the distribution; and that, to make the *Roman* Peo- ^{485.}ple relish this part of his scheme, he insinuated to them, ^{24th Con-}fulship. that it would be a means more effectually to secure them in the possession of their portion of the lands; for that those two nations being united with them in one common interest, would be a support to them in case of any after-attempt to dispossess them; and tho' their estates would not then be so considerable, yet it was better to have smaller estates with secure possession, than greater with uncertainty of holding them.

It was this article in favour of the *Latines* and *Hernici* which the Tribunes laid hold of, to defeat the whole design of *Cassius*, or rather to get the management of the affair out of his hands.

§. V. ONE day when he and *Virginus* were dis- ^{D. Hal. p.}puting before the People, *Rabuleius* an artful Tribune, ^{540.}stepping forth, told the Assembly he had something to offer which he believed would put an end to the contest. Silence being presently made, he thus addressed himself to the two Consuls, "The law in question, does it not consist of these two articles; A distribution of the public lands in favour of the *Roman* Citizens, and the admission of the *Latines* and *Hernici* to share with them in that distribution?" The Consuls answered in the affirmative. And you, *Cassius*, continued the Tribune, are for having the People confirm both these articles, is not this your desire? *It is*, said *Cassius*. *Rabuleius* then asked *Virginus* whether he had any objection to the first article. *Virginus* answered that he had not, and that he only opposed the second. Hereupon the Tribune turning to the People; You see, *said he*, that our Consuls are agreed as to the main point, which concerns your interests; let us be content with this, and leave the other article to be considered of hereafter."

§. VI. THE Assembly highly applauded this motion, so that *Cassius* not knowing what to say, and being quite

Y. of R. quite ashamed of his ill success, dismissed the Assembly.
 267. He went home, and pretending sickness, stirred no
 Bef. J. C. more abroad for some days. He spent this time in
 485. contriving new expedients to compass his point. Find-
 24th Con- ing that his party grew daily weaker, he, in order to
 sulship. strengthen it, sent privately for a great number of *Latines* and *Hernici* to come and give their suffrages for the ratification of the law proposed in their favour. Crowds of those new Citizens immediately flocked to *Rome*; which *Virginius* observing, published an edict, commanding all persons who were not settled inhabitants to depart from the city without delay. *Cassius* opposed this edict by another, which required all persons, who were inrolled Citizens, to remain in *Rome* till the question of *the Law* was decided.

§. VII. THE Senate apprehensive lest the competition between the two factions should grow into a civil war, [and doubtless perceiving that the opposition of the Tribunes to *Cassius's* proposal was not from any dislike to it, but from their jealousy of his popularity] assembled extraordinarily to consult measures, both to quiet the present contention, and to prevent any future attempts of the Tribunes to obtain a division of the public lands among the people.

D, Hal. *Appius Claudius*, who was the first called upon to
 P. 541. give his opinion, declared himself loudly against the partition proposed. He said, that if the *Plebeians* were suffered to live in idleness at the expence of the State they would become not only useless but burthensome to it: that the State would in a short time have neither land nor money; that it would be shameful for the *Patricians*, after having accused *Cassius* of male-administration, and of endeavouring to corrupt the people by a pernicious proposal, to give a sanction to that proposal by their consenting to it, as to a thing just and beneficial to the Republic; and he begged them to consider, that should they grant the distribution demanded, the People would not hold themselves obliged to the Senate, but to *Cassius* only, who would seem to have forced the Senate to such compliance: and he then moved,

moved, that some of the most considerable members of Y. of R.
 the House might be appointed commissioners to take ^{267.}
 an exact account of such lands as belong'd to the pub- ^{Def. 7. C.}
 lic; and that whatever part of them should be found ^{485.}
 to have been usurped by private persons either by force ^{24th Con-}
 or fraud should be instantly resumed: That when the
 commissioners had measured these lands and mark'd
 them by proper boundaries, one part of them should be
 sold, and especially those lands about which there was
 any contest between private men, that the purchasers
 might have an unquestionable title to produce against
 whoever should thereafter lay claim to them: That of
 the remainder of those lands leases should be granted
 for five years, and the rents employ'd in providing
 corn and pay for the soldiers in time of war. He added,
 " It is no wonder, indeed, if the *Plebeians* had rather
 " the public lands should be divided among all the Ci-
 " tizens, than possess'd by a few, and these the most
 " impudent of men. But the regulation which I have
 " now propos'd will hinder the People from thinking
 " any more of the partition propos'd by *Cassius*; for
 " they will undoubtedly find it more eligible to receive
 " corn and pay from the public, during the campaign,
 " than to have the property of a slip of land, which
 " they must cultivate with the sweat of their brow,
 " subject at the same time to pay taxes out of the pro-
 " duce of it, for the support of the war."

Aulus Sempronius Atratinus, who spoke next, highly
 applauded what *Appius* had said; adding however, that
 the worthy senator had omitted some things which
 seem'd very proper to be consider'd. " I perceive
 " (said *Sempronius*) he thinks as I do, that the *Latines*
 " and *Hernici* have no just pretence to a share in those
 " lands which *Rome* had conquer'd before her alliance
 " with them; and that each nation has an exclusive
 " right to dispose of its own proper territory and con-
 " quests: but, when this reasonable answer is given to
 " the demand of those new Citizens, it should, in my
 " opinion, be at the same time signified to them, that
 " they shall have their just portion of whatever lands
 " shall

Y. of R. " shall be hereafter conquer'd by our joint forces.
 267. " The appointment of commissioners to take account
 Bef. J. C. " of the public lands, and fix their boundaries, I much
 485. " approve; and I doubt not but the *Plebeians*, when
 24th Con- " they shall see the revenue of those lands applied to
 sulship. " the necessities of the State, will become more quiet
 " and tractable. Yet I think there is one thing more
 " which ought to be put into our decree, in order per-
 " fectly to conciliate the People to us. You remember,
 " that when the Consul *Virginus* was asked by *Rabu-*
 " *leius* the Tribune, whether he had any objection to
 " a division of the public lands among our native citi-
 " zens, he answered, *No; that his sole objection to the*
 " *proposed Law was the admission of the allies to a share*
 " *in the distribution.* And you know that it was this
 " answer, which drew the Tribunes over entirely to
 " our side, and brought the People to a temper of
 " more moderation. How then can it suit with the
 " honour and prudence of the Senate, wholly to recede
 " from that concession? Must we not suppose that the
 " People will be much more enraged by our breach of
 " promise, than they would have been by a flat refusal
 " at first of their request? My opinion therefore is,
 " that it should be given in charge to the persons, whom
 " you shall appoint to survey the lands, to examine what
 " portion of them it may be proper to lease out for the
 " uses of the public, and what portion it may be advi-
 " sable to distribute among the *Plebeians*. When the
 " commissioners have made their report, you your-
 " selves will judge, whether the lands allotted to the
 " People shall be divided among *all* the *Plebeians*, or
 " only among those who have at present no land or
 " very little. But with regard to these several regula-
 " tions, as the magistracy of the present Consuls is
 " near expiring, I think they should all be referred to
 " the care of their Successors, to act therein, as they
 " shall judge best for the good of the State. An af-
 " fair of this importance is not to be adjusted in a
 " short time. Our present Consuls, being at variance,
 " cannot be supposed so proper judges of what is fit to
 " be

“ be done, as those who shall come after them will be, Y. of R.
 “ provided (according to our hope) they live in con-^{267.}
 “ cord. Ref. J. C.

“ I might add, that, in many affairs, procrastination^{485.}
 “ is beneficial, far from being dangerous; a single day^{24th Con-}
 “ may produce notable changes; nothing is more conducive^{fulshp.}
 “ to the welfare of a state than a good understanding be-
 “ tween its Magistrates. You have my advice: if any
 “ one has a better to offer, let him speak.”

The Senate unanimously approving these amend-^{D. Hal.}
 ments to Appius's motion, a decree was drawn up to^{P. 544}
 this effect: “ That ten of the oldest *Consulars* should
 “ be named to measure the lands, and determine what
 “ part of them should be let to farm, and what part
 “ should be distributed among the People: that with
 “ regard to the allies and the new Citizens, if any fu-
 “ ture acquisition of land should be made in a war,
 “ where they served in conjunction with the forces of
 “ the Republic, they should have their just proportion,
 “ according to the terms of the treaties concluded
 “ with them: and that the Consuls, who should be
 “ chosen at the next elections, should name the ten
 “ Commissioners, be charged with the care of distri-
 “ buting the lands, and make all the other necessary
 “ regulations.”

It is pretty evident from this *Senatus Consultum*, as
 well as from the close of *Sempronius's* speech, that the
 Senators had not the least intention to do any thing
 in favour of the People, with regard to the lands in
 question. It served however to still for the present the
 clamours of the poor, and put a stop to any farther pro-
 ceedings for passing *Cassius's* proposal into a law.

§. VIII. AND no sooner had *Quintus Fabius*, and Y. of R.
Servius Cornelius, the Consuls for the new year, entered^{268.}
 upon their magistracy, than *Cæso Fabius* (brother of^{Ref. J. C.}
Quintus) and *L. Valerius* (nephew of the famous *Popli-*^{484.}
cola) two very young men, but both at this time^{25th Con-}
Quæstors, brought an accusation of high crimes and^{fulshp.}
 misdemeanours, and even of high treason against *Cas-*^{D. Hal.}
fius, before an assembly of the People. ^{P. 544}

Y. of R. 1. The first article of their charge was, That in his
 268. second Consulship he had granted to the *Latines*, not
 Bef. J. C. only the right of citizenship, which was enough in rea-
 484. son, and what would have been sufficient to content
 25th Con- them, but a *third* part of the booty which should be
 sulship. taken in any war where their forces acted in conjunction
 with those of the Republic.

2. That whereas it would have been a sufficient indulgence to the *Hernici*, subdued by the Roman Arms, to take no part of their Lands from them, he had chose to put them upon the foot of Friends rather than Subjects, Citizens rather than Tributaries; and these too were to have a third of the spoils and land acquired in any military expedition: so that if the *Romans* should be desirous to reward the services of any other of their neighbours, as honourably as they did those of the *Latines* and *Hernici*, they could not possibly do it, without relinquishing to them their own third, reserved nothing for themselves.

D. Hal. 3. That, when he had formed a scheme for disposing
 P. 545. of the public lands, without the consent of the Senate or his Collegue, he attempted by force to get his *Agrarian Law* passed; a Law mischievous and unjust in a double respect: for, whereas it should have been preceded by a *Senatus Consultum*, so that the *Largess* (if the Senate approved it) might have been the common act of all the Fathers, he had made it the act of his sole bounty; and, (which was worst of all) his law itself, by which he pretended to divide *gratis* the public lands among the Citizens, would in reality deprive the *Romans* of their acquisitions to give them to strangers, who, tho' they had no title to any part of them, were to have *two thirds*.

4. That when the Tribunes would have rescinded this article, he was as deaf to their remonstrances, as he had been to the advice of his Collegue, the Senate, and all the best Citizens of *Rome*.

The Quæstors having appealed to the knowledge of the assembly for the truth of these allegations, proceeded
 next

next to their proofs of his secretly aspiring to *the Tyranny*. Y. of R. 268.

THEY set forth, that the *Latines* and *Hernici* had furnished him with money, and prepared arms; and that the most audacious of their youth, flocking to *Rome*, had put themselves into his train; assisted at his dark councils; and been his instruments and agents in many particulars. Bef. J. C. 484.
25th Con-
fulship.

These things being proved by the testimony of a *D. Hal.* p. great number not only of *Roman* Citizens, but of men well born and of fair characters from the cities of the Allies; and the People being fully convinced that *Cassius* was guilty, they had no regard to any thing he said in *his elaborate Defence*. In vain did his three sons, with his other relations and friends, by the most humble supplications intercede with the Assembly in his behalf: nor had the remembrance of his noble exploits, for which he had been justly raised to the highest dignities, any effect to procure his pardon.

Nay such a hatred they had to the very name of King, that they observed no moderation in their sentence against him, but would have his punishment capital. And to this they were likewise carried by another motive; for as he was the ablest general of his time, they feared lest, if they only banished him, he should prove a second *Coriolanus*.

The *Quæstors*, after sentence pronounced, led him *D. Hal.* p. away to execution. This eminent Senator, who had been thrice Consul, and honoured with two triumphs, was cast headlong from the top of the *Tarpeian* Rock; and the *Patricians* had the satisfaction of destroying by the hands of the *Plebeians* a determined champion for the *Plebeian* cause.

SUCH is the account which *Dionysius* has transmitted to us of the treasonable design of *Cassius*, his measures to accomplish that design, the defeating of those measures by the joint powers of the Senate and the *Tribunes*; and the arraignment, trial, condemnation and execution of the delinquent presently after the expiration of his Magistracy. One would hardly expect,

Y. of R. 268.
 Bef. J. C. 484.
 25th Consulship.

pect, that after such a detail of the articles of impeachment, the accusers, the witnesses, the matter of their evidence, the irresistible force of it, the intercession of *Cassius's* relations in his favour, and the manner of his execution, the Historian should at last leave his Reader at liberty to reject the whole of this detail as a mere fiction. Yet this he does. He informs us, that, according to some Authors, to whom many give credit, and *who were worthy of it*, *Cassius* was neither try'd by the People, nor executed by their order : *That no body knew any thing of his treasonable designs*, till his own father, moved by a suspicion he had entertained of him, made a strict enquiry into his conduct; that the father by his industry having discovered the whole truth, repaired to the Senate-house; that presently after, when the son by his command was come thither, he accused him before the Senators; and that when these had condemned him, he took him to his own house, and there put him to death^a.

This tradition being as well authoris'd as the other, and the matter of it, as our Historian observes, suiting very well with the manners of the *Romans* in those days, he thinks it ought not to be rejected as improbable; however he is of opinion, that the other is more credible, and he gives his reasons.

1. *Cassius's* house was demolished [presently after his death:] which fact the Historian thinks well supported by another fact, namely, that, in his time, there was no house standing in the Place, where *Cassius's* house was said to have stood five hundred years before.

^a *Pliny* L. 34. c. 4. and *Florus* L. 1. c. 26. follow the tradition of *Cassius's* being condemned and put to death by his own father; and *Livy* L. 2. c. 41. speaks of it as well authoris'd, but thinks it more credible that he was tried and sentenced by the People. As to what *Dionysius* says of the father's accusing his son to the Senate, the *Latin* historian is wholly silent: nor does he mention any particulars of the supposed trial of *Cassius* before the People. He seems to consider nothing as certain in this matter; but that *Cassius* was condemned by somebody in the Consulship of *Q. Fabius* and *S. Cornelius*; that is to say, that he was then killed.

2. *Cassius's*

2. *Cassius's* goods were confiscated, and sold for the Y. of R. use of the public; and part of the money so raised was 268. employed to erect statues of brass to *Ceres*; and these Bef. J. C. facts *Dionysius* believes to be true, because, by the in- 484. 25th Con- scriptions upon certain statues of *Ceres*, it appeared, out fulship. of whose estate the money came that paid for them.

Now, says our Historian, if *Cassius's* father had been D. H. p. living, *Cassius* would have had no property. The pro- 547. perty of the son's house and goods would have been in the father; and the People would never have confiscated the estate of the Father for the crime of the son, especially if the father had been the accuser and punisher of his son.

"For these reasons, says he, I am more inclined to adhere to the other tradition, but I have related both, that my readers may chuse as they like."

NOW, with my readers' leave, I shall conclude this chapter with some arguments which perhaps may induce them to think, that *Cassius* was neither publicly nor privately convicted of aiming at the Tyranny, but was murdered by the Nobles either secretly, or by a mob which they excited to do it, in revenge for his honest attempt to strip them of their usurpations. And I am the more inclined to examine this matter, because I conceive that many readers must naturally carry along with them a prejudice against the *Agrarian Law* (so often the great subject of dispute between the two orders at Rome) if they have first been made to believe, that the original author of it contrived it as a means to raise himself to the Tyranny.

AND first I shall observe, that the two traditions being equally authoris'd, and destroying one another, we have no reason from authority alone to believe either. Nor indeed does either *Dionysius* or *Livy* seem to prefer that which they adhere to before the other, on any account but the greater credibility of the fact.

And it unluckily happens, that the only reasons which *Dionysius* produces for thinking the public trial more credible than the private one, are mentioned by

Livy

Y. of R. *Livy* as arguments used in favour of the private trial,
 268. by those who adopt this tradition: For the demolition
 Bef. J. C. of *Cassius's* house, the sale of his goods, and the em-
 484. ploying part of the money to erect a statue or statues
 25th Con- to *Ceres*, are common to both traditions. And those
 sulship. who believe *Cassius* to have been privately put to death
 by his own father, cite the inscription on a statue of
Ceres as a proof, that it was the father himself who de-
 molished his son's house, consecrated his goods to *Ceres*,
 and applied a part of the money to erect a statue to that
 D. H. B. 2. Goddess: for, as *Livy* informs us, the inscription was
 c. 41. this, *Given by the Cassian family* *. And indeed a statue
 * Ex *Cassia* with such an inscription seems much less absurdly em-
 familia employed to prove that the father gave the statue, than
 datum. that the *Cassian* family was plundered by the People of
 the money which paid for it.

It is remarkable that *Dionysius* avoids telling us ex-
 pressly what the inscription was, and only says, that
 it shewed plainly at whose expence the statue was
 erected.

But as to this statue, or these statues of *Ceres*, most
 ridiculously referred to by both sides, as proofs of what
 they contend for, there is a very easy way of account-
 ing for the inscriptions upon them; and it is amazing
 that it should never come into the mind of *Dionysius*,
 that the family of *Cassius* might probably give these sta-
 tues in his second Consulship, when he performed the
 ceremony of dedicating the Temple of *CERES*, *Bacchus*,
 and *Proserpine*, which the Dictator *Posthumus* had vow-
 ed, during the *Latine* war; for that *Cassius* had this
 honour is related by the Greek historian himself in his
 6th book.

Plut. p.
 415.

We see then, that the very demolition of *Cassius's*
 house, and the sale of his goods, in consequence of
 his being convicted of treason, are facts wholly desti-
 tute of proof: for I presume that neither the void piece
 of ground, nor the inscriptions on the statues of *Ceres*
 (the only vouchers produced) afford even the smallest
 degree of evidence.

COME

COME we now to the the *probability* of the trial^{Y. of R.} and condemnation of *Cassius* by the People, as represented by *Dionysius*. And on this occasion, I cannot^{268.} forbear saying, that the *Greek* historian seems to delight^{Ref. J. C.} in public trials, as giving him an opportunity to make^{484.} speeches for the parties concerned, and to furnish evidence in the cause. He has related at large the trial of *Coriolanus*, described *his behaviour* in the assembly of the Tribes, and given us the *discourse* he made in his defence, as things certain: Yet *Livy* (as has been before observed in the end of Chap. xiii.) without any hesitation asserts, that *Coriolanus* did not appear upon the summons from the Tribunes, and was condemned in his absence for default. And certainly this seems more probable, than that he should speak and act so much out of character, as he is represented to do by *Dionysius*: And the whole trial, as he has given it, is but a very lame story. Nor has he discovered any great skill in forming *Articles of impeachment* against *Cassius*.^{25th Con-fulship.}

If there be nothing to engage us to believe the facts of his public trial and condemnation but the probability of them; and if these facts be no more probable, than that the charge, brought against him by the *Quaestors*, consisted of the articles mentioned by *Dionysius*, the whole is doubtless a mere invention to blacken the author of the *Agrarian Law*. For,

1. The first article of the impeachment is, That in the treaty concluded with the *Latines*, in his second Consulship, he had been too favourable to them, in granting them, besides the right of citizenship, a *Third* of the spoils that should be taken in any war made by the joint forces of the two states. Now whatever fault was committed in making this treaty, the Senate were as guilty of it as he; for the treaty was not made by *Cassius* alone, but by him and the Senate together. He was detained at *Rome* by the Senate, purposely to be their minister for negotiating the alliance, which at that time, they were very willing to make with the *Latines*, who had lately obliged them by many extraordinary

Y. of R. ordinary services and marks of affection, as we learn
 268. not only from *Livy* but from *Dionysius* himself.
 Bef. J. C. Nor in the treaty * is there any mention of a *Third*
 484
 25th Con- of the spoils. The *Latines* were to have an *equal* share
 fulship. Their share did not come to be only a *Third*, till after
 * See vol. the treaty of *Rome* with the *Hernici*; and then only in
 2. P. 3. case of a war carried on by the united armies of the
 three nations.

2. And this shews the impertinence of the argumentation which *Dionysius* puts into the mouths of the *Quæstors* under the *second article*, which regards the *Hernici*, concerning the future inability of the republic to reward the services of any new friends. For it is evident from the tenor of the two Treaties with the *Latines* and *Hernici*, that in all wars in which *Rome* was aided by her allies, were they more or fewer, the practice then was, that each should have their share of booty, in proportion to the number of troops they furnished for the campaign.

And whereas the *Quæstors* are represented speaking of the *Hernici* as of a people *subdued*, it appears by their overtures to the Consul, as well as by the long wars they afterwards maintained against the Republic, that this was far from being their case. What they proposed to *Cassius* were peace and an alliance with *Rome* upon just and reasonable conditions.

Nor is there the least reason to believe that *Cassius*, who would enter into no treaty of peace or alliance with them, of his own authority, but referred them to the Senate, did presently after, in virtue of his full powers, grant them the conditions complained of, without the privity and approbation of the Senate. Add to this, that the treaty was in reality a very advantageous one for *Rome*, and by which the Senate thought fit to abide. So that this second article is as ill contrived as the first.

3. The third article, which accuses *Cassius* of originally designing to exclude the other magistrates and
 the

the Senate from any share in the glory of conferring a ^{Y. of R.} benefit on the people, is invented with no more wit ^{268.} than the foregoing. For by the *Greek* Historian's own ^{Bef. J. C.} account, the Consul, before he mentioned the matter ^{484.} to the people, moved it in the Senate: so that if the ^{25th Con-} Senate and the magistrates would have concurred with ^{sulship.} him, they might have had their share in that glory.

And it was surely a very illjudged accusation to bring against *Cassius* before *the People*, that he had dared to propose, in *their favour*, a law which the Nobles had not approved.

And as to his designing to give, by his *Agrarian* Law, two thirds of the public lands to the citizens, it is a senseless charge, unless we can suppose that those of the *Latines* and *Hernici*, who came to settle at *Rome*, were twice the number of the old Citizens.

4. And if it were true, that *Cassius*, against the remonstrances of the Senate and the Tribunes, was steady in insisting, that the new Citizens should have a share in the division of the public lands; he, in this, did but follow the constant policy and practice of *Rome*, from the foundation of the state; and to exclude those new Citizens from a share of the public lands in case of a distribution, would in effect have been a violation of the treaty of alliance.

CONCERNING the secret machinations of *Cassius* to attain to the Royalty, the reader sees, that from the facts pretended to be proved, supposing them true, it will not follow that the *Latines*, the *Hernici* and the *Roman Plebeians* desired a King, or that the Consul aspired to make himself a King; and the Historian himself seems to think the evidence of the treason defective, when he represents the People as immoderately severe in sentencing *Cassius* to death.

But is it not surprising, that *Dionysius*, or those from whom he took his accounts, should be so well informed of the crimes whereof *Cassius* was accused, at his supposed trial, and yet know nothing, or wholly suppress

Y. of R. what they knew of his *elaborate Defence*? The total silence of the antient writers upon this head, when, from what has been observed concerning the weakness of the pretended charge, it is plain that *Cassius* had much to say, and much to the purpose, furnishes an additional argument to those that have been offered, for believing that the whole process is a meer invention, a legend, a fable, (composed by some aristocratical writer) of which the moral intended to be inculcated on the *Roman* readers is obvious.

AS to the other tradition of *Cassius's treason being discovered by his own father, when no body else suspected any thing of the matter, and his being executed privately by his father at home*, we have already observed that, in the time of *Dionysius* and *Livy* it was a tale which (like that of the public trial) wanted the necessary support from History or Monuments, to give it a claim to credit. But as neither the *Greek* nor the *Latin* Historian have mentioned any *particulars* of the discovery, said to be made by the father, of his son's treasonable practices, we cannot, as in the other case, draw arguments from the pretended process itself to disprove its reality. However I shall finish this digression, with offering some reasons, why, supposing *Cassius* to have been *formerly accused* before the People or before his father, of the treason in question (which there is no ground to believe he was) it is utterly incredible that he was guilty.

The character of *Cassius* may, alone, suffice for his defence against all that is mention'd by *Dionysius*, as given in proof of the charge. Till he propos'd his *Agrarian Law*, he was more esteemed and honoured in *Rome* than any other Citizen. This is said by *Dionysius* himself; and if he had not said it, the History of *Cassius*, from the time that we see him first on the stage of public life, to the day that he propos'd his new law, would have evinc'd the superior worth and reputation of the man. Passing over his abilities, as a General, display'd in his first Consulship in the year 251, let us only consider the opinion which the public and the wisest

wisest men had of him as a Citizen. In 255, that critical conjuncture, when the *Romans*, by the distress of their affairs, were constrained, for the first time, to have recourse to the dangerous expedient of a Dictator, and had named *Lartius* one of the then Consuls to that sovereign power on account of his known prudence and moderation, *Lartius* appointed *Cassius* to be his *General of the Horse*, the second dignity in the Republic.

At the time of the *secession*, when every body declined the office of Consul, the Senate constrained *Cassius* to accept it, because he was highly and equally esteemed by the *Nobles* and the *Plebeians*, and therefore well qualified to manage the business of a reconciliation; a sure mark that he had not behaved himself as a party man, or a proud man.

And tho' he had been a favourer of the *Plebeians*, with regard to their demand of Tribunes and other securities from oppression, yet we find that this did not hinder his promotion to a third Consulship by the Centuries, where the *Patricians* had the chief influence. And the Senate's referring wholly to his prudence, the conditions of peace and friendship with the *Hernici*, (which, by the way, shews the unlikelihood of his having conducted himself unworthily, or to the dissatisfaction of the Senate, in the treaty he before made with the *Latines*) and their decreeing him a triumph for his success in a war, wherein he had obtained no bloody victory, (supposing these facts, related by *Dionysius*, to be true) are cogent proofs of the great esteem and favour in which he stood with them to the very day of his proposing the *Agrarian Law*.

There is very good reason therefore to believe that *this Proposal was the only Treason that Cassius was guilty of*.

And it is quite unimaginable, that he should make this proposal with a view to the Royalty. Could *Cassius* be ignorant of the temper of the *Roman* People? Could a man of sense ever hope to become a King by the means of those men, who needed but to be made believe, that his ambition look'd that way, instantly, un-

Y. of R. nimously and without mercy to destroy him? For such
 268. was the temper ^a of the *Romans*, as *Dionysius* himself
 Bef. J. C. sets forth on the present occasion.

484. Nor indeed does it appear that any one *Roman* ever
 25th Consulship. aimed at being (under any name or title whatsoever)
 sovereign and perpetual Lord over his fellow Citizens,
 before the times of *Marius* and *Sylla*, when luxury,
 avarice, and corruption, having got the ascendant in
Rome, opened the way for inordinate ambition to exe-
 cute the most detestable schemes against the public
 liberty.

^a For the same reason we may well reject what *Livy* reports (B. 4. c. 13.) of the plots formed by *Mælius* the *Roman* Knight in the year 313, and afterwards by *Manlius* (who saved the Capitol) to raise themselves to the Tyranny. (B. 6. c. 14. & seq.) These imputations seem to have been invented merely to destroy two men, who by their compassion for the poor, and their great liberality to them, had made themselves more popular, than perhaps wise politicians thought it convenient that any man should be in a free State. It is not pretended that *Mælius* was tried and convicted. A Dictator was created on purpose to destroy him by a stroke of power. The plenty of corn which he had provided, and with which he fed the hungry Citizens *gratis*, during a famine, was a reproach on the fathers and on *Minucius* their superintendant of provisions, for neglect of duty: and by cutting him off as a traitor, they made to themselves a pretext for seizing his stores, and thereby shunning the trouble and expence of purchasing corn from abroad. And the People were so little persuaded of *Mælius's* treason, that they afterwards banish'd *Abala*, the *Dictator's* General of the Horse, as guilty of murder in slaying their benefactor.

As to *Manlius*, *Livy* tells us, that he could not from any writings satisfactorily learn who were his accomplices, nor how far his schemes went; nor could find, that at his trial before the People, his accusers objected to him any thing that indicated a design to raise himself to the Royalty, except some seditious words, his largesses and his false charge against the Senate of secreting the gold, which they had collected to redeem the Capitol, when *Brennus* besieged it. Nay, *Livy* is not sure that *Manlius* was try'd and condemned by the People. Some Authors, he says, report that *Duumvirs* were appointed to judge him. And perhaps neither of these accounts deserve credit. *Manlius* was zealous to have the debts remitted to the insolvent poor; and that was sufficient to engage the usurious *Patricians* to contrive his murder. I conclude these observations with remarking, that the Tribunes are represented as consenting and instrumental to the destruction of *Cassius* and *Manlius*, both eminent *Patricians*, but not to that of *Mælius*, who was a *Plebeian*.

C H A P.

C H A P. XV.

§. I. *The People regret the death of Cassius. The Senate find means to divert them a while from the pursuit of the AGRARIAN LAW.* §. II. *The war with the Volsci breaking out afresh, the Tribune Mænius protests against any levies for the service, till something effectual be done in that affair. The Consuls by a stratagem get the better of his opposition.* §. III. *The Senate endeavour to obtain the Consulship for Appius Claudius. The Tribunes, to hinder it, excite such a tumult, that there is no possibility of proceeding in the election. The Republic falls into an Interregnum. Sp. Lartius, being Inter-Rex, quiets the contention between the two parties.* §. IV. *Icilius, one of the Tribunes, opposes the necessary levies for a war with the Æqui and Veientes. Appius Claudius suggests a stratagem to the Senate, by which they carry their point against Icilius.*

§. I. **B**Y whatever means the destruction of Cassius^{Y. of R.} was effected, certain it is, that the People^{268.} very soon regretted the loss of him, and not without^{Bef. J. C.} sufficient reason. For notwithstanding the late Decree^{484.} of the Senate for the nomination of Decemvirs, to take^{25th Con-} account of the lands belonging to the public, and make^{fulship.} a distribution of one part of them in favour of the^{Livy, B. 2.} Commons, the present Consuls took no more notice of^{c. 42.} that affair, than if no such Decree had been passed; ^{D. Hal. B.} so that the People plainly perceived, they had been^{8. p. 548.} cheated by the Senate; and they accused the late Tribunes, of having concurr'd in the deceit, basely betraying the cause of the *Plebeians*. The present Tribunes held frequent assemblies upon this business, and earnestly pressed the Conscrip^t Fathers to execute their promises. To rid the Senate and themselves from these importunities at home, the Consuls had recourse to the old expedient of a foreign war, and began to enlist soldiers for the service: but the poorer citizens refused to give their names to be inrolled, and the Tribunes sup-
C 4 ported

Y. of R. 268. reported them in this refusal. Hereupon, the Consuls
 Bef. J. C. caused a rumour to be spread, that they were going to
 484. create a Dictator; and that *Appius Claudius* would be
 25th Con- the man. This dreadful report made such an impres-
 fulship. sion upon the People, that they lifted themselves with-
 out delay. *Cornelius* entered the Country of the *Veientes*, and *Q. Fabius* marched against the *Volsci*. Both
 D. Hal. p. Consuls had fortunate expeditions. *Fabius*, as if he
 549. *Œſeq.* meant to show an utter contempt of the *Plebeians* and
 their complaints, sold all the spoils taken from the
 enemy, and put the money into the hands of the *Quæ-*
stors, not giving the least part of it to his soldiers.

§. II. THO' the *Fabian* family was at this time
 odious to the Commons, on account of the late beha-
 viour of the Consul *Quintus*, and his brother *Cæſo*, who
 Y. of R. 269. when *Quæſtor* had been very instrumental in the de-
 Bef. J. C. struction of *Cassius*, yet the Senate had influence
 483. enough, at the new elections, to get that same *Cæſo*
 26th Con- chosen to the Consulship, with *Lucius Æmilius*, a man en-
 fulship. tirely devoted to their faction. During the year of
 these Magistrates the attention of the public was wholly
 employ'd on the war with the *Volsci* of *Antium*, from
 whom *Æmilius* suffer'd a terrible defeat with great
 slaughter of his men. Strengthen'd afterwards by a
 chosen body of troops which his Collegue sent to his
 assistance, he gain'd some advantage over the enemy;
 but as in the former action he had lost the better part
 of his army, he was ashamed to return to the city at
 the end of the Campaign; and therefore staid in his
 Camp, till the expiration of his Magistracy. *Cæſo*, who
 D. Hal. p. had been employed to defend the territories of the *La-*
 553. *tines* and *Hernici*, came to *Rome* and held the assembly for
 the new elections, where his younger brother *M. Fabius*,
 with *Lucius Valerius* (late Collegue of *Cæſo* in the *Quæſtor-*
ship, and deeply concerned in the murder of *Cassius*)
 were rais'd to the Consulship by the influence of the
 Senate, who had engaged them to stand for it. The
 People would have named to that Magistracy certain
 Consulars who did not seek it; but the President re-
 fused to receive suffrages for any but candidates.

The

The new Consuls having asked some recruits to supply the place of those which had been slain, the last year, in the battle against the *Volsci* of *Antium*, the Senate passed a decree for it: nevertheless the poor *Plebeians* refused obedience, complained of the cheat put upon them in relation to the *Agrarian Law*, and implored the protection of their Tribunes against the oppression of the Nobles. Four of the *Plebeian* Magistrates, either gained by the Senate, or, for prudential reasons, unwilling to foment contention at home, while the State was distressed by the present war, gave no heed to the clamours of the multitude: but the fifth, named *Caius Menius*, loudly protested, that he would never betray the *Plebeians*, nor suffer the Consuls to levy troops, till they had first brought the Senate's decree, for the partition of the lands, into an assembly of the People, and had named commissioners for putting it in execution. The Consuls, to surmount this difficulty, erected their tribunal without the City, in some field near it, where the Tribune, whose power and functions were confined within the walls of *Rome*, could give them no opposition. From thence they summoned those of the Citizens whom they judged fit for the service, to come and enlist themselves. If any *Plebeian* so summoned refused to appear, orders were immediately given to demolish his farm-house and cut down his trees.

This unexpected exercise of the consular power had the designed effect upon the People. They now eagerly ran and presented themselves before the Consuls to receive their commands. Two armies were presently formed, one to march against the *Veientes*, the other against the *Volsci*. The Consuls, diffident of the good will of their troops, agreed to act only upon the defensive; and *M. Fabius*, who had to do with the *Veientes*, observed the agreement: but *Valerius* came to a desperate and bloody battle with the *Volsci*, without much advantage to either side. The friends of *Valerius* at *Rome* gave out, that it was through want of affection in the soldiers to their General, he had not gained a complete

Y. of R. pleat victory; the soldiers in all their letters laid the
 270. fault upon the incapacity of their Leader.

Bef. J. C. In the mean time *Rome* was alarmed with spectres
 482. and prodigies of all sorts, and these, together with the
 27th Con- little success of the *Roman* arms, were found by the
 fullbp. *Pontifices* to be owing to the anger of the Gods, who
 D. Hal. had been served by impure hands. *Opimia*, an unfor-
 p. 556. tunate Vestal, was buried alive for incontinence, and
 Livy, B. 2. the Gods made propitious by expiatory sacrifices.
 c. 42.

§. III. WHEN, after the return of the Consuls to
Rome, the *Comitia* were held for electing new Magi-
 strates, a warm contest arose between the two orders.
 The *Patricians* were for placing at the helm certain
 brisk active young men, who were the most unpopular,
 and particularly they engaged *Appius Claudius*, (the son
 of that *Appius* who was look'd upon as the bitterest
 enemy of the People) a man bold and arrogant, and
 very powerful by means of his numerous friends and
 clients, to stand one of the candidates. On the other
 D. Hal. p. hand the *Plebeians* called out for some of the elder Se-
 557. nators, whose probity the public had experienced, and
 who they believed would have no views, but the welfare
 of the state. Each party remained obstinate in its pur-
 pose. Whenever the Consuls convened the centuries
 for the election, the Tribunes, in virtue of their prero-
 gative, by the word *Veto* dissolved the assembly: and
 when the Tribunes called the People together for the
 same end (the first instance of their assuming this power)
 the Consuls as having the sole right to preside at the
 election of Magistrates, withstood and hinder'd the
 proceeding. The *Patrician* and *Plebeian* Magistrates
 mutually reviled each other, and being surrounded with
 throngs of hotheaded fellows, they grew so furious in
 their disputes as not to abstain from blows; nay, they
 seemed to be just upon the point of having recourse to
 arms, and beginning a civil war.

The Senate, who had neither the will to yield to the
 People, nor the power to force them to submission, held
 long debates about the proper measures to be taken.
 Some Senators declared for naming a Dictator who vest-
 ed

ed with sovereign and absolute authority, should expel Y. of R. the factious from the City, and, in case the Consuls had taken any wrong step, correct the error; and, that having restored order in the commonwealth, he should hold the Comitia, and propose the worthiest men for the Magistracy: but others (fearing perhaps that the People in their present temper would not submit even to the dictatorial authority, but rather run into open rebellion) thought a gentler course the more adviseable, namely, to create Inter-Kings, as was practised during the regal State upon any vacancy of the Throne. The greater number of the Fathers coming into this opinion, the short-lived Magistracy was given to *A. Sempronius Atratinus* and the powers of all the other Magistrates ceased. *Sp. Lartius*, who succeeded *Sempronius*, held the Comitia for the appointment of Consuls. It would seem that the two parties had compromised their differences, agreed upon the men who should have the fasces, and proceeded to an election, only for form sake; for they unanimously concurred in naming to the consular dignity, *C. Julius Iulus*, a known favourer of the *Plebeians*, and *Q. Fabius Vibulanus*, a warm partisan of the Nobles. *Fabius* had been Consul three years before, and had * defrauded his soldiers of the spoil taken from the enemy; yet the People acquiesced in this his second promotion, through the extreme joy they had in keeping *Appius Claudius* out of the magistracy.

The new Consuls, after surmounting some opposition, from the discontented *Plebeians*, to the Levies, marched against the *Veientes* who had pillaged the territory of *Rome*: and this expedition, which terminated in making reprisals, was the sole exploit of their year.

* *Dionysius* says, that *Fabius* had not by any act disoblged the Commons in his former Consulship; but in this he makes a blunder; for he himself had told us, that *Fabius* sold the spoils, the Prisoners, every thing that he took from the *Volsi*, and put all the money into the hands of the Quæstor, to be sent to *Rome*. And *Livy* is very express upon this part of *Fabius's* conduct, as what made him extremely odious to the People. B. 2. c. 42.

These

Y. of R. These petty wars were the ordinary expedients used
 271. by the Consuls, to divert the People from their com-
 Bef. J. C. plaints, and to give them, at the enemy's cost, a sub-
 481. sistence that might make them forget their old claims.
 27th Con- But this same People, by thus living almost continually
 sulship. in arms, became still more fierce and untractable, and
 the first interval of peace abroad was sure to revive dis-
 cord at home.

Y. of R. §. IV. THE civil feuds broke out afresh at the
 272. next election of chief Magistrates. After much strug-
 Bef. J. C. gling the two parties came to an accommodation upon
 480. the same foot as the year before : each named its Con-
 29th Con- sul. The people chose *Sp. Furius* ; and the Senate
 fulship. *Cæso Fabius*, * the man who when Quæstor is said to
 D. Hal. B. have destroyed *Cassius*.
 9. P. 559.
 * 2d time.

The *Æqui* and *Veientes* having renewed their incur-
 Livy, B. 2. sions on the lands of the Republic, the Consuls sum-
 c. 43. moned the People to take arms ; a Tribune, named *Sp.*
 Icilius, warmly opposed the enrollments ; and he loudly
 declared that he would make the like opposition to all
 the decrees that should issue from the Senate, let the
 matter of them be what it would, till the *Senatus-con-*
sultum, relating to the public lands, was put in execu-
 tion ; that it was just the same thing to him whether the
 Country was possessed by foreign enemies, or by domestic
 usurpers. In the mean while the *Veientes* and *Æqui*
 continued with impunity to ravage the territory of *Rome*.
 In this perplexity, *Appius Claudius* represented to the
 Fathers, that the Tribunician power was formidable
 only by the union of the Tribunes ; that as the opposi-
 tion of a single Tribune, which could suspend the exe-
 cution of the Senate's decrees, had the same force with
 regard to the resolutions of his Collegues, endeavours
 should be used to create a division among the Tribunes,
 and privately to engage some one of them to enter into the
 Senate's interest. This advice was approved and fol-
 lowed ; the Senators applied themselves to gain the
 friendship of *Icilius's* Collegues, and they succeeded with
 all the four. These, when they had first attempted in
 vain to *dissuade* him from pursuing the affair of the
Agrarian

Arrarian Law, interposed their *Veto*; and by their assistance the Consuls completed the Levies. *

Y. of R.
272.
Bef. J. C.
480.

* We must suppose that *Scilius* ceased his opposition to the Levies; otherwise his Collegues betray'd the prerogative of their own office.

29th Consulship.

C H A P. XVI.

§. I. *The Troops commanded by Cæso Fabius, not liking their General, will not suffer him to gain any honour in the campaign.* §. II. *M. Fabius (a second time) and Cn. Manlius Cincinnatus are elected to the Consulate. They obtain a signal victory over the Hetrurians, chiefly by the bravery of the Fabii, who from this time become popular.* §. III. *Cæso Fabius (a third time) and T. Virginus are chosen Consuls. Cæso defeats the Æqui and Veientes.* §. IV. *The Fabian family undertake alone to guard the frontiers against the Veientes. Cæso as soon as he has resigned the Fasces (to L. Æmilius and C. Servilius) joins the rest of his family in quality of PROCONSUL, a new invented dignity.* §. V. *The Romans carry on the war against the Æqui, Volsci and Veientes. Æmilius after a successful campaign against the last is refused a triumph. He seeks to revenge himself on the Senate.* §. VI. *In the succeeding Consulship (of C. Horatius and T. Menenius) all Hetruria declares war against Rome. The miserable fate of the Fabii. The Hetrurian Arms prevail. But the next year's Consuls (A. Virginus and P. Servilius) give the enemy an entire overthrow.*

§. I. **FURIUS**, who conducted the war against the *Y. of R.*
* *Æqui*, as he had the good will of his soldiers, made a successful Campaign: but the troops of *Fabius*, who warr'd against the *Veientes*, (strengthened by great numbers of volunteers from the other *Hetrurian States*) chose rather to lose their own honour than gain him any glory. After a battle in which they behaved themselves bravely (so long as their lives were

272.
Bef. J. C.
480.
29th Consulship.
* The *Veientes*, according to *Livy*, B. 2. in c. 43.

Y. of R. in danger) and even routed the enemy, they refused to
 272. pursue them and take their camp, lest by making the
 Bef. J. C. victory compleat they should procure *Fabius* a triumph
 480. at his return to *Rome*; and, not content with this, they
 29th Con- struck their tents the following night, and began their
 sulship. march towards the City. The Consul finding it impos-
 D. H. B. 9 sible to govern them, put the best face he could upon
 p. 560, the matter, sounded a retreat, and returned with
 561. them.

Y. of R. §. II, NOTWITHSTANDING the extreme hatred
 273. which the soldiers had thus shew'd to *Cæso Fabius*, the
 Bef. J. C. Senators had influence enough to continue the Consul-
 479. ship in the *Fabian* family. *Marcus Fabius*, brother of
 30th Con- *Cæso*, was elected to that dignity * with *Cn. Manlius*.
 fulship. Much depended on the wisdom and unanimity of these
 D. Hal. two Magistrates; for the Republic was now threatened
 p. 562. by a prodigious army of *Hetrurians*, who were encour-
 * A 2d aged to the war by the divisions in *Rome*, and the spi-
 time. rit of mutiny that had appeared among the *Roman* sol-
 diers in the Field.

Pontificius, one of the Tribunes, would on this oc-
 casion have renew'd the old complaint, and hindered
 the necessary Levies: but the *Fathers* successfully re-
 peated the artifice of *Claudius*; and forces were raised
 to the number of 20000, which were equally divided
 between the two Consuls. They both passed the *Tiber*,
 and encamped near *Veii*, at a small distance from
 each other, keeping quiet within their entrenchments.
 This inaction was owing to their distrust of their own
 soldiers, whose behaviour, the last year, was not for-
 gotten.

p. 563. At this time happened an accident which employ'd
 the divination of the Augurs who attended the Consul
Manlius. Lightning fell upon his tent, overturn'd the
 sacred *Heartb*, damaged his arms, killed his war horse,
 and some of his servants. Those Diviners declared
 that his camp would be taken by the enemy; upon
 which prediction he quitted it the same night, and
 joined his army to that of *Fabius*. The *Hetrurians*
 seized the deserted camp, and, concluding that *Man-*
lius

lius had carried ill fortune along with him, did not Y. of R. doubt but they should soon be masters of the other. 273.
 They came confidently therefore and insulted the united Bef. J. C.
 armies in their intrenchments, calling them women and 479.
 cowards, and daring them to come out and fight. 30th Con-
 Hereupon, those very soldiers who but a little before fulship.
 had plotted together not to fight upon any account, D. Hal.
 now gathering in crowds about their Generals tents, P. 564.
 murmur'd, clamour'd, and almost mutiny'd, because Livy, B. 2.
 they were not instantly led to battle. *Fabius* laid hold c. 45.
 of this opportunity to reproach them with their former P. 565.
 behaviour, and to increase their ardour, by expressing Liv. B. 2.
 a diffidence of their courage and honour. He added, c. 45.
 "I am determin'd, not to give the signal for battle
 "before you have all sworn that you will return Con-
 "querors to *Rome*; you once deceived your General,
 "but you will never be able to deceive the Gods."
 He had hardly ended, when a certain *Plebeian* named
Flavoleus, now Tribune of a Legion, and a man in
 great esteem among the Troops, stepping forth, *Do you*
suspect us, CONSULS? Hear then the oath which I am D. Hal.
going to take! And you, fellow soldiers, do you follow p. 567.
my example! Then, lifting up his sword, he swore by
 his *Faith* (the most solemn oath then used by the *Ro-*
mans) that he would never return to *Rome* till the enemy
 was vanquish'd. Officers and soldiers, every man in
 the army took the same oath; after which, the Gene-
 rals no longer distrusting them, gave the signal for
 marching and led them out of the Camp.

The *Hetrurians* did not decline a battle: it was p. 568.
 fought with great obstinacy on both sides. *Manlius*
 who led the right wing of the *Roman* army, and his Col-
 league's brother, *Quintus Fabius*, who commanded the
 left, were both killed; nevertheless the victory fell to
 the *Romans*. And it was chiefly owing to the signal Liv. c. 46.
 bravery of the Consul *Marcus Fabius*, and his brother 47.
Caso.

Marcus, at his return to *Rome*, declined the honours D. H. p.
 of a triumph, which had been decreed him by the Se- 570.
 nate; so deeply was he affected with the death of his
 brother

Y. of R. brother *Quintus*, and his Collegue *Manlius*. He solemnised their obsequies, made funeral orations on both, and, by giving to them the great praises which they deserved, secured to himself much greater; and in pursuance of the resolution he had formed, from the beginning of his Consulship, to conciliate to his family the affections of the People, he divided the wounded soldiers among the Senators to be taken care of, assigning the greater number of them to the *Fabii*, who did not fail, on this occasion, to distinguish themselves by their humanity. From this time (says *Livy*) the *Fabii* became popular, yet not by any arts but what tended to the good of the Republic.

Y. of R. §. III. *CÆSO FABIVS* (that very General who the year before last had been so grossly affronted) being now, with the hearty good will of the Commons as well as of the Nobles, raised * to the Consulship (with *T. Virginus*) postponed all other business, to attempt a speedy and perfect restoration of concord between the Nobles and the *Plebeians*, towards which there seemed already to be some advances. He was hardly entered on this magistracy, when in that view, he declared it to be his opinion, that the conquer'd lands rightfully belong'd to those men of whose sweat and blood they were the purchase, and earnestly exhorted the Senate to prevent any new endeavours of the Tribunes to obtain the passing of the *Agrarian Law*, by freely making an equal distribution themselves of those lands, among the poor *Plebeians*. But the *Conscript Fathers* rejected his motion with scorn; and some of them went even so far as to say, that intoxicated with too much praise, that active genius, and those quick parts, which had once distinguish'd him, were dull'd and impair'd.

He had better success in his military expeditions. He marched an army against the *Æqui*, and by the terror of his presence dispersed them without fighting. After

* This was *Cæso's* third Consulship, and, for six years past, the consular fasces had never been out of the hands of one or other of the three brothers.

this

this he hastened to the relief of the Consul *Virginus*, Y. of R. 274. Bef. J. C. 478. who, with the troops under his command, was surrounded by the *Veientes*, and without timely assistance must have surrendered at discretion. He delivered his 31st Con-
Colleague out of danger, and made the enemy retire. fulshp.

§. IV. NOR was this the only remarkable service D. Hal. p. 572. Liv. c. 48, 49. that *Cæso Fabius* did the Republic in his third Consulship. The *Romans* being infested by the *Veientes* and other *Hetrurians*, who made frequent and mischievous incursions into the territory of *Rome*; and the Senate being greatly at a loss how to put a stop to them, *Cæso*, to remedy this evil, formed a project worthy of his affection for his Country. He assembled all the men of his own name and family, and proposed to them, that the *Fabii* should alone, at their proper expence and hazard, take upon them to secure the frontiers against the *Veientes*. Those generous *Patricians* gladly consented to the motion, and the affair being communicated to the Senate, was there approved and applauded. Early the next morning all the *Fabii* appeared under arms before *Cæso Fabius's* door. They were 306 in number, of different branches, but all originally sprung from the same stock. The whole City, men, women and children, ran in crowds to see them, and made vows to Heaven for their preservation. *Marcus Fabius* D. Hal. p. 573. who had last year gained the battle of *Veii*, put himself at the head of the band, which was followed by about 4000 clients and vassals of the family; and he led them all to the banks of the *Cremera*, a little river which runs into the *Tiber*. There they built a fort in a steep place, surrounded it with a double ditch, and erected towers at certain distances. Their manner of making war was this: they divided their forces into four parts, of which one staid to guard the fort, while the other three marched into three several parts of the enemy's Y. of R. 275. Bef. J. C. Country and pillaged it; and nothing could be more successful than their first expeditions.

In the mean time *L. Æmilius* * and *C. Servilius* were 477. 32d Con-fulshp. chosen Consuls at *Rome*. *Cæso Fabius*, had no sooner resigned the Fasces to them, but he desired permission * Azdtime. of p. 574.

of the Senate to join his family. The *Conscript Fathers* readily consented; and to gain him the more respect created for him a new office. He was made *Pro-consul*, a title which gave the person honoured with it a power over the troops he commanded, equal to that of a Consul; but no other authority.

§. V. THE Republic being threatened with a war on the side of *Hetruria*, and the *Æqui* and *Volsci* beginning to ravage the Country of the *Latines*, the Consuls raised three armies. *Æmilius* led one against the *Veientes*, who were strengthened by other *Hetrurians*; *Servilius* another against the *Volsci*; and *S. Furius* (with the title of *Pro-consul*) the third against the *Æqui*. The *Æqui* fled at the approach of *Furius*. The *Volsci* repulsed *Servilius*, and forced him to keep within his camp. The *Veientes* were defeated by *Æmilius*, and sent a deputation to him to beg peace. *Æmilius* referred the Deputies to the Senate, and the Senate in return left it to him to settle the conditions of the treaty. Hereupon the Consul shewed the *Veientes* great indulgence. He granted them peace without taking any part of their lands from them, or exacting any money, or even demanding hostages. This proceeding highly offended the Senate, insomuch that they rejected his request for a triumph. Nevertheless as he was a man of merit, he was invited to employ his troops and skill in succouring his Colleague, who was embarrassed with the *Volscian* war; and upon this condition the *Fathers* promised to receive him again into favour. But *Æmilius*, exceedingly piqued at the refusal he had met with, instead of marching to assist *Servilius*, returned to *Rome*, disbanded his own army, and recalled that which *Furius* conducted against the *Æqui*. He then complained to the People of the proceedings of the Senate, who he said, were dissatisfied with his having expedited the peace, for no other reason, but their desire to stave off the execution of the *Cassian* law. Thus the angry Consul convey'd his own resentment into the minds of the People; and from that time the Tribunes renewed

D. Hal.
P. 575.

P. 576.

renewed their invectives against the Senate, and their demand of the partition of the *conquered lands*.

§. VI. SUCH was the situation of affairs at *Rome*, ^{Y. of R.} when *C. Horatius* and *T. Menenius* entered upon the ^{276.} Consulship. The *Fabii* still kept their post upon the ^{Bef. J. C.} *Cremera*, tho' after the peace with the *Veientes* they had ^{476.} for some time but little opportunity of exercising their ^{33d Con-} courage. But at length it was put to a fatal trial. It has been already observed, that *Veii* was one of the 12 *Lucumonies*, or petty States of *Hetruria*. All the other ^{D. Hal.} *Lucumonies* being much dissatisfied with that treaty, ^{577.} which the *Veientes* had made with *Rome*, gave them to understand, that they must either break with the Republic, or sustain a war against the rest of the *Hetrurian* powers united. The *Veientes* in this dilemma chose the former, and in pursuance of that resolution, sent to the *Fabii* to require them to demolish their fort and quit the frontiers. Hereupon hostilities were immediately renewed, and all *Hetruria* took arms against the *Romans*.

The *Fabii* had their usual success in every expedition ^{P. 578.} and in every engagement, till one day they were un- ^{Livy, B. 2.} fortunately surprized in an ambush out of which the ^{c. 50.} most intrepid courage could not secure them a safe retreat. The *Veientes* lodged a whole army of *Hetrurians* in covered places, and posted centinels on all the eminences, to give notice, when they should fall out of their Ambush. Then they drove some herds of cattle into a plain at a good distance from the *Cremera*, as it were to feed them, under a guard that appeared to be inconsiderable. This was enough to tempt the *Fabii*; who marched out of their fort in a great body, and left no more men in it, than were necessary to defend it from a surprize. They advanced in good order; and upon their approach, the herdsmen and their guard fled. Whilst some of the *Fabii* pursued the runaways to take them prisoners, others seized the booty; and a small number of them continued drawn up in order of battle. Immediately the *Hetrurians* came out of their ambush, surrounded and cut in pieces all those who

Y. of R. 276. were busied in driving together the cattle, dispersed
 Bef. J. C. 476. about the plain. As for those of the *Romans* who kept
 33d Con- their efforts to gain some eminence, where, having the
 sulhip. advantage of the ground, they might at least sell their
 lives dear. But in this attempt they fell into another
 ambush, and were quite encompassed with enemies.
 Nevertheless they did not lose their courage. Drawing
 themselves up into a close compact body which faced
 every way, they renewed the fight with more vigour
 than ever, still bearing forward towards a hill which
 they had in view. They slew many of the *Hetrurians*,
 disengaged themselves from the rest, and gained the
 top of the hill. Here they passed the night without any
 D. Hal. p. provisions, and still beset by an army of enemies. The
 579. next morning, those of the *Fabii* who had been left to
 guard the fort, being informed of the danger their re-
 lations were in, flew to their relief, leaving but a very
 small number behind them. As soon as the *Hetrurians*
 perceived them advancing in the plain, they detached
 against them some strong parties, which cut them all off
 to a man. Not long after, those who were on the top
 of the hill, being more pressed by hunger and thirst,
 than by any thing else, came down with the rapidity of
 a torrent, to break their way through the enemy, of
 whom they made a dreadful slaughter. The *Hetruri-
 ans*, astonished at their losses, ceased the fight for some
 hours, and offered these brave men to let them pass, if
 they would throw down their arms, and give their
 words that they would abandon the fort. But these con-
 ditions were deemed shameful by the *Fabii*; they chose
 rather to run the hazard of dying all together with glo-
 ry, than to secure their lives by an action which they
 thought would reflect dishonour on their family. The
Hetrurians finding them obstinate, avoided a close en-
 gagement; and, for some time, only showered darts
 and stones upon them. But at length perceiving that
 their swords were most of them broken, and their
 bucklers split, they then, and not till then, ventured
 to attack them man to man. The *Fabii* now desperate,
 threw

threw themselves with fury into the midst of the *Hetrur-* ^{Y. of R.}
rian battalions, and to arm themselves anew, snatched ^{276.}
away the weapons of their enemies. Nay some, who ^{Ref. J. C.}
lay upon the ground half dead, rose up, and came to ^{476.}
yield their last breath in the midst of the battle. In ^{33d Con-}
conclusion they were all slain. The *Hetrurians* cut off ^{fulshp.}
their heads, and carrying them in triumph upon the ^{p. 580.}
tops of their lances, shewed them to those few of the
Fabii who had staid in the fort. The latter at this sad
sight gave themselves up to despair. They did not stay
to fight from the ramparts; but aiming only to sell
their lives dear, sallied out upon the enemy, without
observing any order. These likewise were all cut to
pieces; so that of the 306 *Fabii*, not * one escaped.
The *Romans* gave the name of *Porta Scelerata*, or, the
Accursed Gate, to the *Gate Carmentalis*, through which
the *Fabii* had passed when they went out of the City;
and the day of their defeat was ever after reckoned
among the unlucky days, whereon it was forbidden to
begin any important enterprize.

The Consul *Menenius*, who had received orders to ^{D. H. B.}
march against the *Hetrurians*, might, if he had used ^{9. p. 581.}
dispatch, have delivered the *Fabii* in their distress. He
was but thirty furlongs from the field of battle when
they were cut in pieces. But perhaps, (as it was be-
lieved by many at *Rome*) he designedly, and out of
envy and jealousy, gave them up to destruction. He
had encamped his army on the side of a hill without se-
curing the top of it. The victorious *Hetrurians*, seiz- ^{p. 582.}
ing the favourable opportunity, which his want of skill
afforded them, got above him, attacked him from the

* *Livy*, following some more ancient Historians, says, that only one of
the name was left at *Rome*, a youth not fourteen years of age, who af-
terwards repaired the family, and perpetuated it; a mere fiction, ac-
cording to *Dionysius*, and without any shadow of probability: for it is
not to be imagined that of so considerable a number of men one only
had children; and we shall find, ten years after this time, that is, in
286 of *Rome*, a *Fabius* in the Consulship.

N. B. According to *Dionysius* there was a different account of the
destruction of the *Fabii*, but he rejects it with contempt as wholly in-
credible.

Y. of R. higher ground, gave him an entire defeat, and took
 276. his camp. Thence they advanced as far as the *Janiculum*, which overlooked *Rome*, and pitched their camp
 Bef. J. C. *culum*, which overlooked *Rome*, and pitched their camp
 476. on the top of it. They even passed the *Tiber*, and in
 33d Con- a manner blocked up the City. But then the Consul
 fulship. *D. Hal. B. Horatius*, who had been commissioned to act against
 9. p. 583. the *Volsci*, being called home, came to a battle with
 the *Hetrurians* near the Temple of *Hope*, about a mile
 from *Rome*. The success of this action was pretty equal
 on both sides; but in a second, near the gate *Collina*,
 the Consul gained some small advantage, which revived
 the *Roman* courage. Nevertheless the enemy did not
 decamp from the *Janiculum*, and the lands having been
 left unsown the last year, on account of the enemy's ir-
 ruptions, a famine began to be felt in the City. The
 meaner sort got together in companies, threatening to
 plunder the granaries of the rich; and the Tribunes
 encouraged their clamours and mutinies, by laying the
 present scarcity to the chief of the Senate. The *Con-*
script Fathers did every thing possible for the relief of
 the poor, but the case was such, that the People must
 either starve, or drive the enemy farther off.

Y. of R. They marched out therefore under the conduct of
 277. their new Consuls, *A. Virginius* and *P. Servilius*, and
 Bef. J. C. gave the *Hetrurians* an entire overthrow; nevertheless
 475. when by the dead bodies which were brought to *Rome*
 34th Con- to be burnt, the Senate saw what numbers of *Romans*
 fulship. had perished in the action, they refused the Consuls the
 D. Hal. p. honour of a triumph.
 584 & 585.

C H A P. XVII.

§. I. *Menenius*, one of the last year's Consuls, is cited by
 the Tribunes to appear before the People, and answer
 for his conduct in relation to the *Fabii*. He is condemned
 in a fine. §. II. His successor *Servilius* is prosecuted as
 soon as he has resigned the fasces, but is honourably ac-
 quitted. War is carried on with success against several
 of the neighbouring States. §. III. The Consuls, *L.*
Æmilius and *Vopiscus Julius*, are publickly called upon
 by

by the Tribune Genucius, to name the Commissioners for the Partition of the Lands. Finding that the Consuls shun meddling in that affair, he begins a criminal process against their predecessors Manlius and Furius, for having neglected the naming of those Commissioners. The trial is prevented by the sudden death of Genucius.

§. I. **P**EACE abroad, and plenty in the City being restored, the civil feuds, in relation to the *Agrarian Law*, presently revived. The Tribunes not able to carry their point against the body of the Senate, turn'd their rage against some particular Senators, who had oppos'd their pretensions. Thus *Menenius*, (the son of *Menenius Agrippa*) was accused before the People, by the Tribunes, *Q. Confidius* and *T. Genucius*, of having connived at the destruction of the *Fabii* when he might have prevented it. He was tried for his life; and neither the earnest solicitations of the *Patricians*, nor his own merit, nor the remembrance of his Father's, could save him from being condemn'd by the People almost unanimous. The Tribunes however changed the penalty to a fine of 2000 Asses in money, [about six pounds sterling] a very exorbitant sum (says *Dionysius*) if we consider, that in those times men [of the first rank] earn'd the necessaries of life by the labour of their hands; and that *Menenius's* sole patrimony was his Father's poverty. His friends would have paid the fine for him, but he would not suffer it. Unable to support his disgrace, he shut himself up in his house, where grief and vexation threw him into a distemper that soon put an end to his life.

§. II. **T**HE Tribunes fell next upon *Spurius Servilius*, who had succeeded *Menenius* in the Consulship, and had gained the late victory over the *Hetrurians*. Scarce had he resigned the fasces to *P. Valerius* and *C. Nautius*, when a criminal process was commenced against him by the Tribunes *Cedicius* and *Statius*, having lost the flower of his army in that action, pursuing the enemy too far, and rashly attacking their intrenchments, and they produced both officers and

Y. of R. common soldiers to witness the temerity of the General,
 278. and the fatal consequences of it. This was the crime
 Bef. J. C. pretended by the Tribunes. Perhaps the real and only
 474- crime both of him and of *Menenius* was the having
 35th Con- omitted, during their Consulship, to name Commissioners
 sulship. for making the desired partition of the lands.

Servilius did not endeavour, like *Menenius*, to ward
 the stroke by deprecations, or by employing the inter-
 D. Hal. cession of the *Fathers*, but, when he came to his trial,
 P. 587. & relying on his innocence and the good will of the Peo-
 19. ple, he thus address'd them: " If, *Romans*, I am sum-
 " mon'd to this tribunal, to give an account of my
 " conduct, in the late war, I am willing and prepared
 " to do it. But if you have already pronounced Sen-
 " tence against me, and I am brought hither only to
 " be deliver'd up to the executioner, to what purpose
 " should I say any thing in defence of my actions?
 " Here is my body; do with it what you please." He
 said no more; and for a few moments there reign'd a
 perfect silence in the assembly: but the multitude call-
 ing out to him, to take courage and say what he pleas'd,
 he then proceeded to a justification of his conduct in
 all its parts, expos'd the unreasonableness of expecting
 great and important victories over powerful enemies
 without considerable loss of men to the Conquerors;
 and in conclusion bitterly reproach'd both the Tri-
 bunes and the People with their condemnation of *Me-
 nenius*, and with his death, the destruction of a man,
 whose father had procured them those very magistracies
 and laws by which they were enabled to be so wantonly
 cruel.

The noble confidence of the accused, together with
 the testimony of his Colleague *Virginus*, who highly
 extolled his conduct in the battle, and ascribed to him
 all the glory of the success, dispersed the storm that
 Livy, B. 2. threatened him; and this the more easily, as the People
 c. 52. were now heartily ashamed of the sentence they had
 D. Hal. passed against *Menenius*. *Servilius* was unanimously ac-
 p. 591, & quitted; and he soon after not only cleared his cha-
 19. racter from all blemish, but added a new lustre to it.

A no-

A notable victory which the Consul *Valerius* in this same year obtained over the *Hetrurians* and *Sabines* was imputed chiefly to the bravery and conduct of *Servilius*, who had served in quality of his Lieutenant.

A. Manlius who, with *L. Furius*, was raised to the Y. of R. Consulate for the new year, led the victorious army against the *Veientes*. But these enemies durst no longer appear in the field. They shut themselves up in *Veii*, where being soon straitened for provisions, they sued for peace. The Senate, to whom the Consuls referred their Deputies, granted them a truce of forty years, and, in reward of *Manlius's* successful, but unbloody expedition, they decreed him the honour of an ovation. 279. Bef. J. C. 473. 36th Consulship. D. Hal. p. 594. Liv. c. 53.

And now the Tribunes with much warmth renew'd their pursuit of the great affair; nor did the condemnation of *Menenius*, nor the danger of *Servilius*, deter *Manlius* and *Furius*, from opposing with all their might the measures of the *Plebeian* magistrates; for which opposition they were impeached very soon after they had resigned the fasces to *L. Æmilius* *, and *Vopiscus* * A 3d time Consul.

§. III. *CN. GENUCIUS*, one of the Tribunes, a daring enterprising man, and no bad speaker, called upon the new Consuls to name Commissioners for executing the Senate's decree, in relation to the public lands. *Æmilius* and *Julius*, to elude this demand, acknowledged, that the *Senatus Consultum* in question did not regard them; that they had not been charged with the distribution of the lands; that the decree regarded those Consuls only to whom it was address'd, the immediate successors of *Cassius* and *Virginus*; that the *Senatus Consulta* were not permanent laws, nor of force any longer than during the magistracies of those to whom their execution was committed. Y. of R. 280. Bef. J. C. 472. 37th Consulship. D. Hal. B. 9. P. 595.

The Tribune, enraged at this evasive answer, would gladly have attacked the Consuls directly; but as he foresaw it would be no easy matter to ruin them, while actually invested with the Sovereign Power, he turned his resentment upon *Manlius* and *Furius*, whose offices were but just expired. He cited them before the assembly

V. of R. bly of the People, to answer for their injustice in having
 280. neglected to name Commissioners for distributing the
 Bef. J. C. conquered lands pursuant to the Senate's decree, he
 472. said, the only way to engage the present Consuls to ex-
 37th Con- ecute that decree, was the letting them foresee, by the
 sulship. punishment of their predecessors, what would be their
 own fate, if they neglected their duty; and having
 sworn by all that was most sacred, that he would not
 desist from the prosecution, he named a day for the
 trial.

Livy, B. 2. *Manlius* and *Furius*, tho' they went about humbly
 c. 54. solliciting the favour of the *Plebeians*, yet, by artful
 discourses to the younger Senators, endeavoured to en-
 gage these to defend them against the *Plebeians* by
 ways of violence. They exhorted the young men
 " never to aspire to the Consular Fasces, the Robe of
 " Magistracy, or the Curule Chair; which, they said,
 " would be only the decorations of their funeral; That
 " a Consul was now but a Serjeant of the Tribunes to
 " execute their will; and in case any Consul found
 " himself inclined to exercise his proper authority, or
 " to assert that of the Senate, he would do well to set
 " before his eyes the banishment of *Coriolanus*, and
 " the death of *Menenius*."

The Senators, inflamed by these speeches, no longer
 held public but private Councils, in which it was deter-
 mined absolutely to rescue the accused; and, of many
 wicked expedients proposed, the most audacious and
 most wicked was the most approved.

When the day for the trial came, *Genucius* did not
 appear in the Forum. It was imagined at first, that
 the *Patricians* had found means to deter him from his
 purpose, and that he had deserted the cause: but pre-
 sently some, who had been waiting at his door, brought
 word that he was found dead in his bed. The *Ple-*
beians on this report, like soldiers whose General is
 slain, immediately dispersed themselves; and the Tri-
 bunes were of all the most terrified; finding by the
 example of their Collegue, that the law, which made
 their persons sacred, gave them no security. On the
 other

other hand the *Patricians* exulted in a most extravagant manner. None of them seem'd sorry for what had happen'd. Nay, those who had not been even accomplices in the murder, affected to be thought principals; and it was openly said, that the *Tribunician Power* ought by such methods to be kept down*.

* This is *Livy's* account. *Dionysius* (B. 9. p. 596.) makes the death of *Genucius* to have happen'd the day before that which was appointed for the trial. He adds, that the Tribune's body being exposed to public view in the forum, and there being on it no marks of poison or other violence, a notion prevail'd universally, that his death was a stroke from the Gods, who disapproved his enterprise: whereupon the prosecution was dropp'd; and the Tribunes became quiet with regard to the *Agrarian Law*.

C H A P. XVIII.

§. I. *The haughty and imprudent behaviour of the Consuls after the Death of Genucius, in relation to P. VOLERO. The People rise; and the Consuls hide themselves. §. II. VOLERO is chosen a Tribune of the People. He proposes a Law for electing the Tribunes in Comitia by Tribes. The Disputes on this Head are interrupted by a Plague. §. III. The Senate get the Consulship for Appius Claudius and T. Quinctius. These differ about the means to defeat VOLERO's project. §. IV. VOLERO renews the proposal of his Law in an Assembly of the People. Quinctius by soft words disposes the People to reject it: but Appius by a Speech, full of pride and heat, ruins the effect of what his Colleague had said. The Tribune Lætorius orders Appius to be led to prison. A scuffle ensues. Night puts an end to the Disorder. §. V. The tumult is renewed the next morning. Quinctius by prudent management quiets it, and prevails with the Senate to let VOLERO's Law pass.*

§. I. **T**HE Consuls flush'd with this ill gotten victory, and resolving to make the People feel their power, began now to use an extreme and (at this time) most imprudent rigour in raising soldiers for the war. Whatever Citizen did not appear upon the summons

Y. of R. mons to give in his name, was sure to be severely pu-
 280. nish'd, right or wrong, and some they even caused to
 Bef. J. C. be whipp'd by the lictors. Nor in all these proceedings
 472. did they meet with any opposition from the Tribunes,
 37th Con- confounded and struck mute by what had happen'd to
 fulship. D. H. B. 9 *Genucius*.

P. 596. Wrathful murmurings, (the prelude to revolt) pre-
 Livy, B. 2. sently arose among the *Plebeians*, more provoked by the
 c. 55. silence of their own magistrates, than the tyranny ex-
 ercised by the Consuls, " That their liberty was gone :
 " that the Tribunician authority had expired and been
 " buried with *Genucius* : that the Commons, deprived
 " of all assistance, must now themselves provide for
 " their defence against the Nobles ; and that this was
 " not very difficult to do ; that tho' the Consuls were
 " attended by 24 Lictors, these Lictors were all *Ple-*
 " *beians* : that imagination only made the consular Power
 " formidable : that nothing was in reality weaker or
 " more contemptible, if men would but learn to de-
 " spise it."

While with such speeches the People were exciting
 one another to resistance, the Consuls summon'd a cer-
 tain *Plebeian* named *Publilius Volero*, who had been a
 Livy, *ibid.* Centurion, and was esteemed a good officer, to enlist
 himself for a common soldier. The young man full of
 spirit boldly refused. Instantly the Consuls sent a Lictor
 to seize him.—*Help me*, TRIBUNES, cried out *Volero*.—
 The Consuls seeing no body come to his aid, bid the
 Lictor dispatch, tear off his cloaths and scourge him.
Volero check'd the haste of this officer by a blow on his
 face that knock'd him down ; and then, turning to the
 Consuls, he said, " Since our *Tribunes* had rather see a
 " Roman Citizen scourged in their presence, than be
 " themselves murder'd in their beds by *you*, I APPEAL
 " TO THE PEOPLE." All the Lictors were now com-
 manded to fall upon him at once ; but, he getting into
 the thickest of the crowd, and calling out aloud, " I
 " appeal to the People ; I implore your aid ; assist me,
 " Citizens ! assist me, fellow soldiers ; no protection is
 " to be expected from the *Tribunes* ; they themselves
 " have

“ have need of your protection ;” the multitude with a
desperate fury attack’d the Lictors, beat them, broke the
fasces, and made the Consuls experience, that authority
without strength is a vain thing : they were forced to
fly for refuge to the Senate house. Hither they sum-
moned the *Fathers*, and complained to them of the
audaciousness of *Volero*, and the insolent violence of
the People. On the other hand the Tribunes, who
had hitherto been quiet, began now to make a mighty
noise ; they demanded justice upon the Consuls, for
that, in contempt of the *Lex Valeria*, and of an appeal
to the People, they had offered to scourge a Citizen, a Ro-
man of free condition, as if he had been the vilest slave : a
new subject of fierce dispute between the two orders in
the Republic : but the elder and wiser men of the Senate
not thinking it prudent to contend with the head-strong
rashness of the Commons, prevailed with the rest of
the *Fathers* to drop their resentments ; and so the
tempest subsided for the present.

Volero fearing the Power of the Consuls, and know-
ing that the Tribuneship, if he could get it, would be
his best Security against their fury, stood for the Office
of Tribune. To engage the voices of the People in
his favour, he boasted publicly, that if ever he were
invested with that magistracy, he would take such me-
thods, that the *Plebeians* should’ never more be oppressed
by the Nobles. The multitude readily granted him
their Votes ; and he entered upon the exercise of his
office in the Consulship of *L. Pinarius* and *P. Furius*.
It was universally expected, that, to revenge himself on
the last year’s Consuls, who had treated him so ill, he
would immediately commence a prosecution against
them before the People ; but he soon discovered, that
though a man of mean birth and education, he was
capable of views far more extensive and important to
the interest of his Party, than a mere personal revenge.
Without letting fall so much as one disrespectful word
against the late magistrates, he turned his force against
the whole body of the *Patricians*, and undertook to
deprive

Y. of R.
280.
Bef. J. C.
472.
37th Con-
sulship.
D. Hal.
P. 597.

D. Hal.
P. 598.
Livy B. 2.
c. 56.

Y. of R.
281.
Bef. J. C.
471.
38th Con-
sulship.

Y. of R. ^{281.} deprive them of the influence they had in the election of the Tribunes of the People.

Def. J. C. ^{471.} The Tribunes had hitherto been chosen in *Comitia* by ^{38th Con-} *Curia*. As those Assemblies consisted only of such Citizens as resided in *Rome*, or belonged to the thirty ^{fulship.} *Curia*, *Volero* thought (or pretended to think) that the Senators, by the multitude of their friends, clients, and immediate dependants, had a greater influence there, than was consistent with the people's entire liberty of chusing their own protectors. Moreover, it was the prerogative of the Senate to give a previous consent, before those Assemblies could be held, and none but *Patricians* could preside in them. Nor was this all; for the Augurs, before any thing could be validly done, were to declare that the Auspices were favourable. Now it often happened, that these ministers of religion, *Patricians* by birth, did, to serve the interest of their order, either put off the holding of

* In what Mr. *Vertot* says on this occasion, and on some others, of the difference between the several sorts of *Comitia*, he seems to be defective in the manner of expressing himself. He commonly tells us, that in the *Comitia* by *Tribes* and by *Curia*, every man's vote was taken singly (*qu'on recueille les voix par tête*) but that in the *Centuriate Comitia* the voices were counted by Centuries. From which way of speaking one would be apt to imagine, that in the two first named sorts of *Comitia* all affairs were decided by the majority of the Citizens assembled. But this was not the case. No question whatsoever was decided in any of the three sorts of Assembly by the plurality of single votes. The opinion of the plurality of the Citizens in each *Curia*, *Tribe* and *Century*, determined the sense of that *Curia*, *Tribe* and *Century*. But it was the majority of the *Centuries*, of the *Tribes*, or of the *Curia*, that decided the question in debate. And though perhaps it never happened, it was very possible to happen, that in the *Comitia* by *Tribes* and by *Curia*, as well as in those by *Centuries*, a great majority of single voices should lose their point. For example; in the affair of *Coriolanus*, nine *Tribes* only voted for him, and twelve against him; he was therefore cast. Nevertheless it does not hence follow, that the majority of the *Roman* Citizens were against him. For if in each of those nine *Tribes* which voted for him, the Citizens were unanimous, and if in each of those twelve which voted against him, the Citizens were divided, and only a bare majority against him, it will hence follow, that he must have had a very great majority of single voices in his favour, notwithstanding his being condemned.

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the *Comitia*; or annul the election of such Tribunes as ^{Y. of R.} were very obnoxious to the Nobility, under pretence ^{281.} that the omens were inauspicious. ^{Bef. J. C.}

Volero moved therefore, that for the future the elec- ^{471.} tion of the Tribunes should no longer be in *Comitia* ^{38th Con-} *Curiata* ^{fulship.} but in *Comitia Tributa*; Assemblies where the People's

^b The words of *Dionysius* are—*οὐκ ἔστιν τὸν δῆμον εἰς ἐκκλησίαν, νόμοι ἐπιφέρει περὶ τῶν δημοτικῶν ἀρχαιρίων, μετὰ γὰρ αὐτὰ ἐκ τῆς φρατρίακῆς ψήφοφρας, ἢ οἱ Ῥωμαῖοι κυριότερον καλεῖται, ἐπὶ τῇ φυ- λτικῇ.* Lib. ix. p. 598.

And ten years after this time, when the law for creating *Decemviri* to form a body of *Lexes*, &c. is in agitation, the Consuls and other eminent *Patricians* reproach the *Tribunes* with their unhalloved magistracy, because elected in *COMITIA TRIBUTA*, and not, as formerly, in *COMITIA CURIATA*, preceded by religious ceremonies. "The *Power*, which you extorted from the *Senate*, [at the treaty of re-union] have you not lost it by the change of the *Comitia*? For you enter on this Magistracy, without any previous *Senatus Consultum*; you are not chosen by the *CURIA*; no sacrifices precede the holding of your *Comitia*; there is nothing of piety towards the Gods, or justice towards men in this magistracy of yours. And yet you will pretend to law-making; which is one of those things, to the due performance whereof, sacrifices, and religious worship were always held to be necessary."

Εἰ δ' ὡς καὶ πρότερον ἢ τις ὑμῶν δύναμις, ἢ ἐκ ἐκ τῶν δικαίων βιασάμενος ἡμᾶς ἱλαρίσθαι, ὑποκατακλινομένης ἐκείνης πλοσιετήματι τῆς βουλῆς, ὅχι καὶ ταύτων τὸν ἀπολαύσασθαι τῇ μεταβολῇ τῶν ἀρχαιρίων; οὐτε γὰρ βουλῆς δόγμα ὑμᾶς ἀποδικυνοῦσιν ἐπὶ τῇ ἀρχῇ, οὐτε αἱ φράτριοι τὴν ψήφον ὑπὲρ ὑμῶν ἐπιφέρουσιν, οὐτε ἱερὰ προβαίνει τοῖς θεοῖς περὶ τῶν ἀρχαιρίων, ἀ κατὰ νόμους ἔχον ἐπιτελεῖσθαι, οὐτε ἄλλο τῶν πρὸς τοὺς θεοὺς εὐσιβῶν, ἢ πρὸς ἀνθρώπους δοῦναι οὐκ ἐπὶ τῇ ἀρχῇ τῆς ὑμετέρας γίνεται· τίς οὖν ὑμῶν ἔτι μάλιστα τῶν ἱερῶν καὶ σεβασμῶν διομένῳ, ὅτι ἐπὶ (ἢ τι, Cod. Vat.) καὶ ὁ νόμος ἢ, ἱερανομήνους τὰ νόμιμα πάντα. Lib. x. p. 630.

It is manifest that the words of these several passages, as they stand in *Dionysius*, do import, that the Tribunes, till this time, were chosen in *Comitia* by *Curia*. Nevertheless the fact is disputed. For,

In the former of these passages, *Glarean* ^c reads *κινυριότην* instead of ^d *Apud* *κυριότην*, and, in the latter, reads *λόχοι* instead of *φράτριοι*, being of *Huds. Dion.* opinion, that the Tribunes, until *VOLERO*'s Law, were chosen in *Comitia Centuriata*. And Dr. *Hudson* conforms his translation of the latter passage to *Glarean*'s reading. *Manutius* likewise is of opinion, that the Tribunes were, at first, elected in *Comitia* by *Centuries*.

—“Non modo Consules, qui de patribus primo creabantur, sed et TRIBUNOS PLEBIS CENTURIATIS COMITIIS ESSE FACTOS, ex *Livii*, Lib. ii. et *Dionysii* Lib. ix. plane constat; tametsi Tribunorum creationem post annos xvii a centuriatis ad Tributa, *Voleronis* lege esse

Y. of R. People's own magistrates might preside; where all the
 281. Citizens of the country Tribes, as well as the inhabi-
 Bef. J. C.

471. "esse translata[m] iidem Livius & Dionysius narrant. Cap. x. de Com.
 38th Con-fulship. "Rom."

Though *Manutius* cites here the authorities of *Liv.* Lib. ii. and *Dionys.* Lib. ix. in support of his opinion, there is nothing in the Books referred to, nor I believe in any other books, of those Historians, that can support it. Whatever good reasons the learned Critics abovenamed might have to believe that the *Centuries*, and not the *Curia* chose the *Tribunes* till *Volero's* Law, it seems demonstrable, that *Dionysius* did not mean to say so. For,

1. He relates (in *Lib.* vi. p. 410) that the Φεάτειαί, which were called *CURIAE*, elected the first *Tribunes* after the treaty of accommodation on the Mons Sacer.

Ναμηθίς δὲ ὁ δῆμος εἰς τὰς τότε ἕσας Φεατρείας, ἣ ὅπως βούλεται τις αὐτὰς προσαγορεύειν, ὡς ἐκείνοι καλεῖσσι κυρίας, ἀρχοντας ἐνιαυσιαίας ἀποδιπνύουσι, &c.

Plebs vero divisa in φεατρείας, quæ tunc erant; sine quocunque alio nomine velit quis eas appellare, quas illi curias vocant, annuos magistratus creavit, &c.

2. If *Dionysius* thought that the *Centuries* had chosen, to the Tribuneship, the *Prosecutors* of *Coriolanus* (men so angrily zealous against the Senate and all the *Patricians*) with what appearance of reason could he impute to those *Prosecutors* an apprehension, that the *Comitia Centuriata* would absolve him, should he be tried at that *Tribunal*; an apprehension so strong as to put them on devising a new sort of *Comitia* for the Trial? This argument, I confess, is not decisive; because *Dionysius* does not always give himself the trouble to seek an appearance of reason.

3. But what leaves no room to doubt of the Historian's meaning is this, That but a few lines before his first mention of *Volero's* Bill, he tells us, that the contempt, which this man had shewn of the consular authority, was "the principal cause which induced the Poor, the lowest of the People, to chuse him to be one of their leaders, [i. e. one of the *Tribunes*] he himself being of mean birth and educated in great poverty" ὃ δὲ ἄλλο τι μᾶλλον ἀποδιχθῆς ὑπὸ τῷ τῶν πικῆτων δῆμῳ προσάτης; [or ὑπὸ τῶν πικῆτων τῷ δῆμῳ προσάτης. *Sylb.* et *Port.*] γένος τι γὰρ ἐκ τῶν ἐπιτυχόντων ἦν, καὶ ταβραμμένος ἐν πολλῇ ταπεινότητι καὶ ἀπορίᾳ. *Lib.* x. p. 597-8. *Hac potissimum de causa ab infima plebe tribunus est creatus (nam erat ignobili genere natus, et in magna humilitate ac egestate educatus.)* *Hudson.*

Now the Poor, the lowest of the people, (the sixth Class) had but one vote, of 193, in the *Comitia Centuriata*; and should we extend the meaning of the words τῷ τῶν πικῆτων δῆμῳ to the *Centuries* of the fourth and fifth Classes, this will not remove the difficulty, because (as has been often mentioned) the *Centuries* of the first Class, consisting of the richest Citizens, made the majority of the whole: consequently the *Tribunes* were not chosen in *Comitia Centuriata*, if *Dionysius's* Authority is to decide the Question.

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ants of *Rome*, would have a right of voting; and which would not be subject to any decrees of the Senate, or the influence of the Augurs.

The *Plebeians* in general were highly pleased with this proposal, and warmly declared for passing it into a Law. The Consuls on the other hand, the Senate, and the whole order of *Patricians*, opposed it with all their might. It became the common, and the only subject of dispute between the two parties; so that the affair of the *Agrarian Law* was for a while intirely dropt.

A dreadful pestilence, which raged both in the city and in the country, interrupted the course of this furious contest. Each man being taken up with his particular losses and his own preservation, less attention was given to the business of the public. But this calamity proving as short as it was violent, the Tribunes quickly resumed the prosecution of the law proposed by *Volero*; and the People believing they could not succeed without his assistance, continued him in the Tribuneship for the following year, in spite of the opposition of the Senate and of the whole *Patrician* party.

§. III. THE Senate finding how strongly bent the *Plebeians* were upon carrying their point, and how necessary it would be to set up against *Volero*; some man of intrepid resolution, and who was not to be terrified by the clamours and menaces of the multitude, pitched upon *Appius Claudius*, and raised him to the Consulate without his participation. He had been so far from making interest for that high post, that he had not so much as appeared in the Assembly on the day of election; he was proud, but without ambition, not less zealous than his father had been for the interest of the Senate, and more obstinate and inflexible. The Senate gave him for a Collegue *T. Quinctius*, a man naturally mild and insinuating, and who had found means to get the love of the People, though he was looked upon to be one of the principal Leaders of the other party.

Y. of R. 282. The new Consuls, as they were of different characters, so were they of different opinions. *Appius* hoping for no peace in the City, but by leading the *Plebeians* into the field, advised, that upon some pretence (not difficult to find while *Rome* was so hated by her neighbours) a new war should be immediately undertaken.

D. Hal. p. 600. *Quinctius* was against commencing any war without necessity. He said, it was to be fear'd, that the force which must be employ'd to compel those *Plebeians* who refused to serve, would exasperate the multitude to a desperate fury, as in the preceding Consulships: in which case, either the fire must be extinguished by the blood of *Roman* Citizens, or the Consuls must debase themselves to the ignominious task of courting, and soothing the very lowest of the People. As *Quinctius* was this month in possession of the chief authority, his Collegue could do nothing without him.

In the mean time *Volero* proposed his Law anew, and in concert with his Collegues, added these articles to it; *That the Ædiles should likewise be chosen in Comitia by Tribes, and that these Assemblies should have cognizance of all affairs which the People had a right to determine*, an addition * (says *Dionysius*) which tended directly to destroy the authority of the Senate, and to establish that of the People upon its ruins. The Consuls, upon this new alarm, convened the *Fathers*. *Appius* declared for arming all those Citizens, who wish'd the preservation of the antient form of Government, and for treating as enemies to the state all opponents. *Quinctius* advised the gentler methods of reasoning and persuasion to bring the People to a sense of their true interest: the majority of the Senate coming into his opinion, the Consuls repaired to the *Comitium*, and desired of the Tribunes, that they would permit them to speak to the *Plebeians* assembled, and would name a day. With some difficulty they obtained both requests. When the day came, and the Forum was fill'd with a promiscuous crowd of *Patricians* and *Plebeians*, whom the magistrates of the different orders had brought thither to

See Vol. I.
p. 420.

to support them respectively, *Quinctius* (leave to speak *Y. of R.*
first asked and granted) made so artful, so pleasing, so *282.*
engaging an harangue to the multitude, against the *Bef. J. C.*
proposed law, that it is probable they would have re- *470.*
jected it, if *Appius* had not spoken after him. *39th Con-*
fulship.

But this Consul, who understood no way of treating *D. Hal.*
men but with a high hand, instead of taking advan- *p. 601.*
tage of the impression which his Colleague's discourse
had made in the minds of his audience, fell into in-
vectives, which had the very same effect as the
harangues of the Tribunes. He upbraided the peo-
ple in the most harsh and offensive terms with their
secession upon the *Mons Sacer*, deserting their Generals,
to whom they had sworn obedience; carrying away the
military standards; employing against their country those
very arms, which were put into their hands for its de-
fence: *He added*, that it was no wonder, if fugitive
bankrupts and perjured soldiers, after being re-admitted
into the city, ran every day into new disorders and
excesses. That the most sacred Laws were infringed,
the Consular power despised, and the dignity of the
Senate debased; and that no remedy to these evils
could be hoped so long as the Tribuneship, the root of
all, subsisted.

And he concluded with telling them, that as to the
present affair, it was his firm determination, forever to
withstand the passing of so iniquitous a Law as was then
proposed, and of any Law whatsoever which had not first
passed the examination and approbation of the Senate;
and that he hoped to make them know during his ma-
gistracy, if they were yet ignorant of it, what was the
extent of the power of a Consul.

Volero, notwithstanding this provocation, still confined *Liv. B. 2.*
his discourse to the matter and merits of the Law in *c. 56.*
question, forbearing all personal attacks. But *Latorius*,
another of the Tribunes, fell at once to railing

* *Dionysius* represents *Latorius* as a long winded Orator, who answers
what *Appius* had said against the Commons with an ample panegyric
upon them, then makes an invective against *Appius* and his family,
and then closes all with swearing, that he will carry his point or die.

Y. of R. against the *Claudian* family, which he term'd *the most*
 282. *baughty and most cruel enemies of the Plebeians*; and he
 Bef. J. C. added, that the *Patricians* had given them, in *Appius*,
 470. not a Consul, but an executioner to rend and torture
 39th Con- them. Words failing the rough soldier to keep pace
 sulship. with his angry and impetuous thoughts, he said,
 "Romans, I am not so ready at *speaking* as at *doing*.
 "Come hither to-morrow. I will get the law passed,
 "or die upon the spot before you."

The next day the Tribunes possessed themselves of the Temple. [the capitol, according to *Dionysius*] The Consuls and *Patricians* repaired to the Assembly to hinder the passing of the law. *Lætorius* bids his *Viator* clear the place of all who have not the right of voting: the young Nobles keep their ground: he gives orders to lay hold of some of them: *Appius* cries out, "A Tribune has no authority but over the *Plebeians*; he is not a magistrate of the *People*, but of the *Commons*: I myself, tho' Consul, have no power, by the custom of our ancestors, to remove any Citizen from a public Assembly; the form of dismissing it having always been, *Depart, Romans, if you please*." Si vobis videtur discedite Quirites.

The Tribune, no match for the Consul at points of Law, instead of answering, sends a *Viator* to arrest him; *Appius* sends a *Lictor* to seize the Tribune, crying aloud to him, at the same time, that *he is but a private man, without any authority, or real magistracy*. The sacrosanct person of the Tribune was just going to be insulted, when the enraged *Plebeians* all united at once against the Consul. *Appius* nevertheless stood the storm; and as fresh crowds of Citizens flock'd to the forum from all quarters, the commotion would probably not have ended without bloodshed, if *Quinctius*, the other Consul, had not exerted all his soothing arts to quiet the tumult. Requesting some consulars to force *Appius* out of the Assembly (if they could not persuade him to go) he endeavoured by intreaties to al-

* Non Populi sed Plebis cum magistratum esse. *Livy*, L. 2. c. 56.

swage the fury of the *Plebeians*, and begg'd of the Tri-^{Y. of R.}
bunes to dismiss the Assembly, and allow their own an-^{282.}
ger some leisure to cool. Time (he said) would not ^{Bef. J. C.}
diminish their strength, but add wisdom to it. That ^{470.}
the Senate would certainly yield to the People, and the ^{39th Con-}
Consul to the Senate. ^{sulship.}

Quinctius found it difficult to appease the multitude; ^{B. 2. c. 57.}
the consulars much more difficult to appease *Appius*. At
length the Assembly of the Commons was dismissed;
and the Consuls convened the Senate. Anger and fear,
for a while, alternately dictated different counsels; but
in proportion as those passions subsiding gave place to
reflection and reason, the *Fathers* became more and
more averse from all further strife; and *Quinctius* had
the thanks of the House for having quieted the tumultu-
ary contest. They intreated *Appius* not to insist on
retaining to the consular dignity, any higher prerogatives
than were compatible with concord in the State. He,
unconvinced by all their remonstrances, “ call’d Gods
“ and Men to witness, that the Republic was betray’d
“ through cowardice; that a Consul was not wanting to
“ the Senate, but a Senate to the Consul; that they
“ were going to submit to Laws more destructive than
“ even those enacted on the *Mons Sacer*.” Overcome
however by the unanimity of the *Fathers* he acquiesced.
The Law was quietly passed. *Lex silentio perferetur*^b.

And

^a The Greek Historian (B. 9. p. 603, 604, 605.) is somewhat more
circumstantial than the *Latins* with regard to the commotion. He
represents it as lasting many days. He says, that after the fray be-
tween *Appius* and *Latorius*, in which the latter received a hurt, the
Tribunes and People possessed themselves of the Capitol, and kept
guard there night and day to the great terror of the *Fathers*. And he
adds, that *Quinctius* at length prevailed with the Tribunes to refer
the matter in dispute wholly to the judgment of the Senate. That
there (the Tribunes present) *Valerius*, being call’d upon the first to
declare his opinion, began with advising a mutual forgiveness and
oblivion of all injuries done in the late scuffle; and then said, That
since the Consul *Appius* would not permit the Law in question to be
proposed to the People, without a previous decree of the Senate, he
thought the Senate should take it into consideration, and make a de-
cree thereupon. This advice was approved. *Quinctius* put the ques-

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tion:

Y. of R. And now the Tribunes were chosen, for the first
 282. time, in *Comitia by Tribes*; and, according to *Piso* the
 Ref. J. C. Historian (quoted by *Livy*) the Commons, from the
 470. same time, began ^k to have *five* Tribunes, and not be-
 39th Con- fore: The names of the five now elected were C.
 sulship. *Livy*, B. 2. *Sicinius*, *L. Luritorius*, *M. Duilius*, *Sp. Icilius*, and *L.*
 c. 58. *Mecilius*.

tion: *Appius* spoke warmly against the Law; the Tribunes answer'd him: the majority of the Senate declared for the Law; and a decree was made conformable to the sense of the House; which decree the People joyfully received; and by their suffrages the Law was enacted. *Καὶ ὁ δῆμος ἀσάπτως διέταμνος τὸ συγχώρημα τῆς βουλῆς, ἐπιψήφισα τὸ νόμον.*

^k If *Piso's* report be true, many particulars related by *Dionysius* and *Livy* concerning the Tribunes, must be fabulous. It may be observed that *Pighius* has in no year, preceding this, inserted more than two in his Calendars.

C H A P. XIX.

§. I. *The Consuls lead two armies into the field against the Æqui and Volsci. Appius's Troops, that he may have no claim to a TRIUMPH, refuse to fight the enemy. He punishes them with the utmost severity, and returns to Rome.* §. II. *The affair of the Agrarian Law being revived the next year, he opposes the Tribunes with more heat than ever. They cite him before the People as an enemy to the public liberty. He kills himself.* §. III. *The Tribunes resume the affair of the Conquered Lands, but drop it again till the close of the next Consulship, when no Plebeian appears in the Comitia, where T. Quinctius and Q. Servilius are chosen to that dignity. These Consuls, to keep things quiet at home, busy the People in various wars.* §. IV. *The domestic dissensions begin afresh in the Consulship of T. Æmilius and Q. Fabius. Æmilius favours the People in relation to the Agrarian Law. Fabius, without promoting that affair, falls upon an expedient to stop their complaints.* §. V. *He then takes the field, and reduces the Æqui to ask peace. The war is renew'd to the advantage of the Romans.* §. VI. *A most dreadful Plague rages*

rages in the City. The Æqui and Volsci appear before Rome, but soon retire; and the Romans, the next year, give them an entire overthrow.

§. I. **T**HE Æqui and Volsci, during these divisions at Rome, had, according to their old custom, made inroads upon the territories of the Republic. The Legions raised to take revenge upon those enemies were divided between the two Consuls.

Appius marched against the Volsci, and carried with him into the field the same cruel and tyrannical spirit which had actuated him in the City, and to which he now abandoned himself the more absolutely, as he had no Tribunes to control him. The victory which the Commons had gain'd over him made his hatred to them exceed even that of his father. Tho' singled out by the *Patricians*, as the only man qualified to withstand the Tribunes, yet in his Consulship they had passed their Law, which his predecessors, with less vigorous efforts than his, had obstructed. Stung with these reflections, anger and indignation incited him to exercise towards the soldiers a rigour that had more the appearance of revenge, than of necessary discipline. Yet so obstinate a spirit of opposition to him had they imbibed, that no acts of severity could make them submissive. They did every thing slowly, lazily, negligently, contumaciously. Neither fear nor shame had any power with them. If he bade them march faster, instantly they took care to slacken their pace; if, when they were employ'd in any work, he urged them to dispatch, they presently became languid, tho' of their own accord they had been active before; their arms grew stiff. Whenever he was near, they kept their eyes on the ground, muttering curses as he passed by: insomuch, that tho' unconquer'd by the hatred of the *Plebeians*, it sometimes staggered him. Finding that no examples of punishment had any influence on the soldiers, he forbore speaking to them any more; but charged the centurions with having corrupted his army,

E 4

and

Y. of R. and scoffingly called them *Tribunes of the Commons*, and sometimes *Voleros*.

282. The *Volsci*, having intelligence of all this, pressed
 470. the closer upon the *Romans*, in hopes of their acting
 39th Con- the same part towards *Appius*, as formerly towards
 fulship. *Cæso Fabius*. And in truth they were disposed to act a
 Livy, B. 2. worse, as they hated *Appius* much more, than they had
 c. 59. done the other. They did not only resolve, like *Fabius's* army, not to conquer, but they resolved to be conquer'd. The Consul had no sooner drawn them up for battle, than they turned their backs to the enemy, fled shamefully to their intrenchments, nor made any resistance till they beheld the slaughter of their rear, and the *Volsci* approaching to break into their Camp. Then exerting their strength courageously they repulsed the victorious *Volsci*; yet would do no more. They would only save the Camp, and shew their General, that they could have conquer'd if they had pleased. Some even exulted in the loss and disgrace they had suffered. The haughty and fierce spirit of *Appius* not broken by all this, but eagerly bent to punish it with rigour, he gave orders for the soldiers to assemble before his tribunal. His Lieutenants and military Tribunes, who dreaded the consequence, ran to him, begged of him not to hazard his authority by putting it to such a trial, since its whole force lay in the consent of those who were to obey; they represented to him, that the soldiers in general declared, they would not assemble; that many called out aloud to decamp and quit the territory of the *Volsci*; and that certain appearances gave great reason to apprehend some dreadful blow from the victorious enemy, who had already been once at the foot of the rampart. *Appius*, yielding at length to their remonstrances, (tho' the guilty got nothing by it but a delay of punishment) put off the Assembly, and issued orders to decamp the next morning. At break of day the signal for marching was given by sound of trumpet. The *Volsci*, as if roused by the same signal, fell upon the hindmost ranks of the army, as soon as it was in march: the terror and confusion,

fusion, hereby caused, spread to the foremost; no or-
 ders could be heard, no Troops formed for fighting; ^{Y. of R.}
 soldiers threw away their arms, Ensigns their colours; ^{282.}
 the only thought of every one was to escape by flight; ^{Bef. J. C.}
 the *Volsci* ceased to pursue, before the *Romans* ceased ^{470.}
 to run; nor did these rally till they came upon the ^{39th Con-}
 lands of the Republic. ^{fulshp.}

Then *Appius*, who during the rout had in vain call'd upon his men to face about, pitching his Camp where he could not be molested by the enemy, once more summon'd the army to attend him. Seated in his Tribunal he upbraided them (and not without reason) with their breach of discipline and shameful behaviour; asked the Ensigns, who appeared without their colours, what they had done with them? the unarmed soldiers, what they had done with their arms? Giving full scope to his natural severity, he caused the guilty Centurions, Ensigns, and those of the private soldiers who had double allowance of provisions, to be first scourged and then beheaded; and the rest of the soldiers he *decimated*, that is, put every tenth man of them to death, lots determining, who should be the sufferers.

The time for electing new Consuls drawing near, *Appius*, universally hated by the multitude, and inwardly vexed, because he had acquired no glory, led back the wreck of his army to *Rome*.

In the other army, commanded by *Quintilius* against the *Æqui*, the scene had been far different; an amiable competition between the General and his soldiers; the strife which should give the other the greater proofs of good will and affection. *Quintilius*, naturally mild and gentle, had yielded to his disposition with the more pleasure, as he observed the bad effects of his Colleague's cruel severity. The *Æqui* apprised of this concord between the Consul and his troops, durst not shew themselves. Without opposition they suffer'd their lands to be plunder'd and ravaged. A richer booty had never been brought from that country; and *Quintilius* gave all to his men. To this liberality he added praises, not less pleasing to soldiers, than rewards.

They

Y. of R. They returned home in perfect good humour with
 282. their General, and, on his account, even soften'd to-
 Bef. J. C. ward the *Patricians*: the Senate (they said) had to
 470. them given a Father, to the other army a Master.
 39th Con-
 sulship.

“ Thus, with various fortune in war, and furious
 “ discord both at home and abroad, passed this year,
 “ chiefly memorable for the *Comitia by Tribes*. The
 “ affair was more considerable on account of the vic-
 “ tory itself, than any real benefit, got by the victory.
 “ For neither the *Plebeians* acquired, nor the *Patricians*
 “ lost so much strength, as the *Comitia* themselves lost
 “ dignity, by the exclusion of the *Patricians* from the
 “ council^b.”

Y. of R. §. II. L. VALERIUS and Tib. Æmilius (chosen
 283. to succeed *Quinctius* and *Appius* in the Consulship) had
 Bef. J. C. scarce enter'd upon their office when the *Tribunes of the*
 469. *Commons* revived the affair of the *conquered lands*. Ad-
 40th Con- dressing themselves to both the new magistrates, they
 sulship. conjured them to make good the promises given by the
 Senate in the Consulship of *Cassius* and *Virginus*; and
 they succeeded with both. *Æmilius* favoured them
 (says *Dionysius*) from a spirit of revenge against the Se-
 B.9 p.607. nate, who had formerly refused a *triumph* to his father,
 when he return'd victorious from a war with the *Æqui*.
 And, as for *Valerius*, he was glad of the present oppor-
 tunity to sooth the People, who could not easily for-
 give him the part he had acted, when *Quæstor*, in the
 destruction of *Cassius*, the ablest Statesman, and greatest
 Captain

^a *Varia fortuna belli, atroci discordia domi forisque annum exactum, insignem maxime Comitia Tributa efficiunt. Res major victoria suscepti certaminis quam usu. Plus enim dignitatis Comitiis ipsis detractum est, Patribus ex Concilio submovendis, quam virium aut Plebi additum, aut ademptum Patribus.* What is said here of the Exclusion of the *Patricians* from the *Assemblies by Tribes*, is not to be understood generally of all such Assemblies; for the *Patrician* magistrates held *Assemblies by Tribes* as well as the *Plebeian*. However it appears by this passage of *Livy*, that to the *assemblies by Tribes* for the election of *Tribunes*, the *Patricians* were not to be admitted. *Mannius* cites the passage as decisive for this.

Captain^b of his time, and the first author of the *Agra-Y. of R.*
rian Law.

Secure

283.
Bef. J. C.469.
40th Con-
sulship.

^b Perhaps the reader, when he calls to mind *Coriolanus*, will wonder why the Historian makes *Cassius* the greatest General of his time; and I cannot resolve the difficulty, otherwise than by supposing, that he speaks only of the time when *Cassius* was kill'd; that he was then the ablest General in the Republic. By the way, it is somewhat surprising, that when the *Romans* were so grievously distressed by *Coriolanus*, they made no use of the abilities of *Cassius*: we hear nothing of him during all that war. Why did not they raise him to the Consulship when they most wanted such a General?

And this naturally leads me to mention another difficulty which frequently occurs in the *Roman* story. The Consuls were always chosen in *Comitia by Centuries*; and the *Patricians* are often represented as having all power there. Thus, for instance, *Livy*, on occasion of the contest about *Volero's* bill:—*Plebs Voletonem* tribunum reficit. *Patres* ad ultimum dimicationis rati rem venturam, *App. Claudium*, *Appii* filium, jam inde à paternis certaminibus invisum infestumque plebi, consulem faciunt. *Liv. L. 2. c. 56.*

One would imagine, from these words, that the creation of the Consuls was as much in the power of the *Senate* and *Patricians*, as the creation of the *Tribunes* was in the power of the *Commons*. Yet we find, that in the *Comitia Centuriata* the *Plebeians* often prevailed to have those Candidates promoted, whom they liked best, and who were known to favour the popular cause. May we not resolve this difficulty, by saying, that the *Commons* were always masters in the *Comitia Centuriata*, when they pleased to exert their strength; but that, generally speaking, they had so much respect for the old *Patrician* families, as to leave to them the Nomination of persons to fill those Magistracies, to which no *Plebeian* could lawfully be admitted? That nevertheless, when any matter, which greatly concerned the interest of the whole *Plebeian* body, was depending, they then took advantage of their superiority to have one popular *Patrician*, at least, in the Consulship. The *Tribunes* with their insolent *Veto*, and the *Senate*, with their *Knaveish Augurs*, could throw obstructions in the way of each other's purposes at these Elections. And it seems, as if they therefore frequently compromised the matter. *Let us have one Consul (said the Tribune) such as we like, and you shall name whom you please for the other.* Thus, in the instance just mentioned, the colleague given to *Appius* was *T. Quinctius*, a popular man; otherwise, it is highly probable that the *Plebeians* would have opposed and hindered the Election of the other, their known and avowed enemy.

Nothing, here said, will account for the neglect shewn of the abilities of *Cassius* when they were most wanted; because he is represented as a man agreeable to both parties, till his proposal of the *Agrarian Law*. But doubtless, with regard to the Consuls of the year 463, the case was, that the *Plebeians* departed from their usual complaisance

Y. of R. 283. Secure of the two Consuls, the Tribunes brought
 Bef. J. C. the affair before the Senate, and in gentle, but pres-
 469. sing terms, urged the *Conscript Fathers* to suffer the no-
 40th Con- mination of Decemvirs for regulating the partition of
 sulship. the lands. The Consuls said nothing upon the subject,
 D. Hal. but asked the opinions of the rest of the Senate, begin-
ibid. ning with *Æmilius's* Father. This antient Consul
 declared, he thought nothing could be more unjust,
 than that a few private men should possess the public
 estate; that those usurpers ought to be very well con-
 tent with having held the lands several years without
 molestation. That, not to speak of the natural right
 which all the Citizens of a state have to share in what
 belongs to the public, the Senate was particularly en-

plaisance for the *Senate*, as thinking the interest of the *Plebeian* order particularly concern'd at that time in the choice of the governing magistrates. (See vol. 1. p. 390.) And the same was doubtless the case, when Consuls were chosen for the present year. For I apprehend that both *Valerius* and *Æmilius* were known to be favourers of the People before their election to the magistracy; and that the reasons, assigned by *Dionysius*, why they sided with the Tribunes in relation to the *Agrarian Law*, are mere conjectures of his own. To believe that *Valerius* took part with the People from the motive mentioned in the text, we must first believe the story of *Cassius's* being impeach'd before the People by *Valerius* and his brother *Quæstor*, which, I think, has been shewn to be a groundless tale. It does not appear that *Valerius* had any hand in the death of *Cassius*.

And as to *Æmilius's* resenting the refusal, his father had received eight years before, (in his second Consulship 275) from the Senate, of a *Triumph*, I conceive the refusal itself to be fabulous, as likewise all that *Dionysius* says of the petitioner's anger, and his immediately revenging himself by declaring for the *Agrarian Law*: I conclude, I say, the whole to be fabulous, not only because *Livy* says nothing of these things, but because we find *Æmilius* the father raised a third time to the Consulship in 280, and as warm against the pretensions of the People, as the Senate could wish him. And it seems very probable that both father and son in imitation of the *Fabii*, (see vol. 2. p. 5.) now sided with the Tribunes in order to recover to the family the good will of the *Plebeians*, which they must have lost in the former part of the Father's third Consulship; during which the Tribune *Genucius* was murder'd, and the *Plebeians* insulted in the person of *Volero*. That *Æmilius* the father presently repented of what he had done in relation to *Volero*, and made his peace with the Tribunes, there seems good ground to believe, since we find that stormy affair hush'd at once, each party dropping their complaints.

gaged

gaged by their own decree, made 17^c years ago, to Y. of R. divide the conquer'd lands among the People. He ^{283.} added, That the poor *Plebeians* dreaded the thoughts ^{Bef. J. C.} of having children, to whom they could leave nothing ^{469.} but their own wretchedness for an inheritance; that ^{40th Con-} instead of cultivating each the portion of land that be- ^{sulship.} longed to him, they were obliged to work for subsistence, like slaves, on the estates of the *Patricians*; and that this servile way of life was not very proper to form the courage of a *Roman*. "My opinion therefore is, "that our Consuls do now execute the Senate's decree, "the execution of which has been hitherto delay'd on "account of the unquietness of the times, and that "they name Decemvirs, to make the partition of the "conquer'd lands."

Appius opposed this advice. He said, that the Peo- ^{D. Hal. p.} ple could lay the blame of their misery upon nothing but ^{608.} their own intemperance and prodigality; that the Consuls had frequently divided among them the booty got in the territories of their enemies, and, upon a thorough enquiry, it would appear, that those who had received the greatest share of it were the poorest. That till their manners were mended no largesses could free them from poverty. That it would be very monstrous if the Senate should grant rewards to men who had behaved themselves so shamefully in the field, as they had done the last year when under his command. That it never was the intention of the Senate to divide the lands among the People; that their sole view in granting the *Senatus Consultum*, which *Æmilius* spoke of, was to put off the affair, in order more easily to quiet the commotion, raised by the Consul *Cassius*. That his immediate successors in the magistracy, to whom the decree was directed, had taken no notice of it, as thinking the partition in question would be mischievous to the Republic. That afterwards, during fifteen years

^c i. e. The year 267, when the decree was made, and the present year 283, inclusive.

^d It should be 13 years, the year of *Cassius*, the year of his immediate successors, and the present year being excluded by the context.

Successive,

Y. of R. 283. successive, the Consuls of none of those years, tho' in continual danger from the resentment of the People, had thought themselves authorized to name Decemvirs in virtue of a decree directed only to the immediate successors of *Cassius* and *Virginus*. He added, "Nor have you therefore, *Valerius*, nor you, *Æmilius*, any authority to name Decemvirs for the partition in question, the Senate having given you no commission to do it. As to those who have usurped the public lands, whether by force or fraud, if such men there be, let them be summoned to appear before the Consuls, and let their titles be legally tried and determined. There is no want of new Laws for this, we have Laws already written; and they are not obsolete; time has formed no prescription against them."

The

* Mr. *Vertot*, I know not why, always speaks of the *resumption* of the lands either as a thing *impracticable*; or as not to be executed without ruining the Senate and all the great men; objections never made by those who opposed the AGRARIAN LAW. *Appius Claudius* himself, tho' against the partition, declares for the *resumption*; and so did his Father in *Cassius's* time, as likewise *Sempronius*, who are the only persons mention'd by *Dionysius* as then speaking on the subject in the Senate.

Tho' the younger *Appius* now declares for the *resumption*, as Mr. *Vertot* himself (following *Dionysius*) relates, yet Mr. *Vertot* represents this *Appius* saying, that the *Senatus Consultum* was granted only to give the People time to see the injustice, and even *impossibility* of what they demanded, *pour donner le tems au peuple de reconnoître l'injustice & même l'impossibilité de leurs pretensions*. This *impossibility* can relate only to the *resumption*; the partition admitted of no difficulty. And what made the *resumption* so difficult? We have the Abbot's reasons, where he speaks of this affair in the time of *Cassius*. *Quelle apparence d'équité qu'eut la proposition de Cassius, on ne pouvoit en faire une loi, sans ruiner tout d'un coup le Senat & la principale Noblesse, & sans exciter une infinité de procès en garantie parmi toutes les familles de Rome. Why? Les Patriciens qui s'en étoient emparez [des terres conquises] les avoient enfermées de murailles: on avoit élevé dessus des batimens: des troupes d'esclaves faits des prisonniers de guerre les cultivoient pour le compte des Grands de Rome, & déjà une longue Prescription couvroit ces Usurpations. Les Senateurs & les Patriciens n'avoient gueres d'autres biens que ces terres de public, qui étoient passées successivement en différentes familles par succession, par partage, ou par ventes.* Tom. i. p. 268. 3d Ed.

I cannot

The majority of the Senate came into the opinion of *D. Hal. Appius*; so that the request of the Tribunes was reject-^{p. 610.} ed; who thereupon, enraged at their disappointment,^{Y. of R. 283.} turned their thoughts wholly to revenge themselves on *Bef. J. C.* the author of it; and they agreed to bring him to ^{469.} trial for his life before the People. They named a ^{40th Con-} day ^{fulship.}

I cannot find any authority *Mr. Vertot* has for saying that the Senators and *Patricians* had hardly any estates but what they had got by usurping the lands belonging to the public. But when he speaks of their usurpations being cover'd by *long prescription*, he seems totally to forget the time of which he is writing, the year 267 of *Rome*. By his own account (p. 64.) these usurpations did not begin till after the Regifuge (in 244 of *Rome*) 23 years before *Cassius* proposed the *Agrarian Law*. And there is no reason to believe that these usurpations began till after the year 257, when *Tarquin* died; which *Livy* makes the date whence the Aristocratical domination commenced, and which was just ten years before *Cassius* proposed the *Agrarian Law*. The Republic was reduced to a very low condition after the banishment of *Tarquin*, by the desertion of all her Allies; nor till the defeat of the *Latines* in 257, had she quiet possession of land enough for the *Patricians* to form out of it such considerable estates for themselves, as *Mr. Vertot* supposes them to have. So that his difficulties arising from sales, and conveyances, and inheritances, and *long prescription* are all a dream.

Ἐδοξεν ὃν αὐτοῖς πολλὰ βουλευσαμένοις, δίκην τὸν Ἀππίου ὑπαγαγῶν θάνατον ἰχϋῶν τὸ τίμημα. Καὶ μετὰ τὰντα ἐν ἐκκλησίᾳ τῇ αἰδέος κατηγορήσαντις, παρῆλθεν ἥκειν ἅπαντας εἰς τὴν ἀποδεδιχθησομένην ἡμέραν, ὡς διοίσοντας ὑπὲρ αὐτῶ Ὑψίφον. *D. H. L. ix. p. 610.*

When any Magistrate designed to impeach a person of a crime before the whole people, he ascended the *Rostra*, and calling the people together by a crier, signified to them, That upon such a day, he intended to accuse such a person of such a crime: this they termed *Res diem dicere*. The suspected party was obliged immediately to give sureties for his appearance on the day prefix'd, and in default of bail, was committed to prison.

On the appointed day, the Magistrate again ascended the *Rostra*, and cited the party by the crier; who, unless some other Magistrate of equal authority interposed, or a sufficient excuse was offered, was obliged to appear, or might be punished at the pleasure of the Magistrate who accused him. If he appeared, the accuser began his charge, and carried it on every other day, for six days together, at the end of the indictment mentioning the particular punishment specify'd in the Law for such an offence. This intimation they termed *Inquisitio*. The same was immediately after expressed in writing, and then took the name of *Rogatio*, in respect of the people, who were to be ask'd or consulted about it; and *Irrogatio*, in respect of the criminal

Y. of R. day for it, and exhorted all the Citizens to be present.
 283. The articles of the impeachment, according to *Dionysius*,
 Bef. J. C. were to be, That he had given pernicious advice against
 469. the People; raised sedition in the State; offered vio-
 40th Con- lence to the sacred persons of the Tribunes; and, when
 sulship. lence to the sacred persons of the Tribunes; and, when
 commander of the army, had suffer'd an ignominious
 defeat and a terrible slaughter of his soldiers. Never,
 says *Livy*, was a man, whom the *Commons* so much
 hated, summon'd to appear in judgment before the
People; Nunquam ante tam invisus PLEBI reus, ad judi-
 cium vocatus POPULI est; nor did ever the *Patricians*
 exert themselves so much in behalf of any man as of
Appius, the defender of the Senate, the asserter of its
 dignity, its support, its bulwark against all Tribunician
 and *Plebeian* tumults, and now exposed to the rage of
 nal, as it imported the mulct or punishment assigned him by the ac-
 cuser. This *Rogatio* was publicly exposed three *Nundine* or market
 days together, for the information of the people. On the third mar-
 ket-day, the accuser again ascended the *Rostra*, and, the people being
 called together undertook the fourth turn of his charge, and, having
 concluded, gave the other party leave to enter upon his defence,
 either in his own person, or by his advocates.

At the same time as the accuser finished his fourth charge, he gave
 notice what day he would have the *Comitia* meet to receive the bill;
 the *Comitia Tributa* to consider of mulcts, and the *Centuriata* for capi-
 tal punishments.

But in the mean time, there were several ways, by which the ac-
 cused party might be relieved; as first, if the *Tribunes* of the *Com-
 mons* interposed in his behalf; or if he excused himself by voluntary
 Exile, Sickness, or upon account of providing for a Funeral; or if
 he prevailed with the accuser to relinquish his charge, and let the
 cause fall; or if upon the day appointed for the *Comitia* the *Augurs*
 discovered any ill omens, and so forbade the Assembly, *Kennet*, Part II.
 B. III. chap. XIX.

Vobismet ipsis, Pontifices, et vestris liberis, cæterisque civibus,
 pro vestra auctoritate, et sapientia consulere debetis. Nam, cum tanta
 moderata judicia populi sint à majoribus constituta: primum ut ne
 pœna capitis cum pecunia conjungatur: deinde ne, nisi pro dicta die,
 quis accusetur: ut ter antè magistratus accuset, intermissa die, quam
 mulctam irroget, aut judicet: quarta sit accusatio trinùm nundinùm
 pro dicta die, qua die judicium sit futurum: tam multa etiam ad
 placandum, atque ad misericordiam *reis concessa* sunt: deinde exorabi-
 lis populus, facilis suffragatio pro salute: denique etiam, si qua res
 illum diem aut auspiciis, aut excusatione sustulit: tota causa judi-
 ciumque sublatum est. Hæc cum ita sint in re, ubi crimen est? ubi
 accusator? &c. Cic. pro Dom. 17.

the

the Commons, only for having been too warm in the Y. of R. contention. ^{283.}

Appius himself was, of all the *Patricians*, the only ^{Bel. J. C. 469.} man who despised the Tribunes; and the Commons, ^{40th Con-} and the impeachment. Neither the menaces of the ^{fulship:} *Plebeians*, nor the intreaties of the Nobles could move ^{Livy, B. 24} him to depart from his accustomed manner of speaking, ^{c. 61.} and soften the asperity of his style. Once he pleaded his cause, but more like an accuser, than a person accused; the same resolute, haughty, disdainful look he was wont to have; the same spirit in his discourse, full of reproaches and invectives: insomuch that many of the *Plebeians* feared him no less now when arraign'd at the Bar, than they had done when he was Consul. His intrepidity and steadiness so astonished and disconcerted the Tribunes, and the Commons, that, of their own motion, they adjourned the cause to another day. Before this came, *Appius* put an end to his own life. ^{Ibid. &} When his son, who brought the dead body into the ^{D. Hal.} Forum, was beginning to pronounce a funeral oration ^{p. 611.} on the deceased, the Tribunes endeavoured to silence him; but the People more moderate and equitable interposed, and would not suffer that so great a man should be hindered from receiving that customary honour; and *Livy* adds, that they heard him praised, when dead, with as willing an ear, as they had heard him accused, when living; and that a numerous crowd of them attended his obsequies.

§. III. THE Romans, during the remainder of this ^{D. H. B. 60} year, were employ'd in revenging themselves on the ^{P. 611.} *Equi* and *Sabines*, who taking advantage of the civil ^{Liv. c. 62.} feuds at Rome, had made incursions on the territory of the Republic.

In the following Consulship of *Aulus Virginius* and *T. Liv. B. 2* *Numicius*, the business of the *Agrarian Law* was re- ^{c. 63.}

* *Livy* reports that he died of some distemper, and *Dionysius* says, that it was so given out by his friends; but that truth he kill'd himself.

The Greek Historian does not admit that *Appius* ever pleaded his cause before the People.

Y. of R. 284. An alarm from the *Volsci* suspended the prosecution of it, but in the end of the year, it was again set on foot. And the multitude, who looked upon themselves as oppressed by the great, to shew their resentment, absented themselves from the Assembly, where *T. Quinctius* * and *Q. Servilius* were chosen Consuls for the next year. They were raised to that dignity by the sole voices of the *Patricians* and their clients, who, notwithstanding all these divisions, constantly adhered to the party of their Patrons.

To prevent the breach from growing wider, the new Consuls, during all their year, busied the people in various wars. *Servilius* had great success against the *Sabines*; yet his glory was not equal to what *Quinctius* gained by his victories over the united forces of the *Æqui* and *Volsci*. In the heat of a battle, and when he was like to be worsted through the enemy's superiority in numbers, to encourage his left wing to exert themselves, he told them that his right wing was victorious, and by that means he made his left really so. He then hastened to the right wing, and informed them of the advantages which his left had gained, and, by this artful conduct, he put the enemy entirely to the rout. He defeated them a second time, and then took from the *Volsci* the City of *Antium*, with its whole Territory.

§. IV. THE complaints of the Commons and the dissensions at *Rome* began afresh in the Consulship of *Tib. * Æmilius* and *Q. Fabius*. (The latter was son of one of those three famous brothers who had commanded in the Fort upon the *Cremera*.) We have already seen that *Æmilius* in his first Consulship had declared for the Partition of the Lands: the affair was now again debated in the Senate: *Æmilius* persisted in his former opinion. But the majority of the Senators, and especially those who were in possession of the public lands, complained much of the liberality of *Æmilius*, whom they reproached with making his Court to the People at the expence of others. His Colleague *Fabius*, to quiet the dispute, proposed an expedient which at first

first displeased neither Party. It was to send a considerable number of the poorest *Plebeians*, to people the City of *Antium*, which had been almost depopulated by the last war; and to divide among them some adjacent lands, taken from the *Volsci*. This advice being received with applause, *T. Quinctius*, *A. Virginus*, and *P. Furius*, were without delay commission'd to settle the new colony. But when the poor Citizens were to give in their names to those *Triumvirs* to be enrolled, few of them appear'd. To send them to such distant habitations, (they said) was banishing them from their country. And they chose rather to live at *Rome* in indigence, with the hopes of one day getting a share of the public lands, than to be actually in possession of land elsewhere; so that the *Triumvirs*, to make up the number appointed for the colony, were forced to receive a mix'd crowd of *Latines*, *Hernici* and *Volsci*. Livy, B. 3.
C. 1.
D. Hal. B.
9. p. 616.

§. V. AND now *Fabius* marched an army against the *Æqui*, and *Æmilius* another against the *Sabines*. The expedition of the latter had nothing remarkable in it; but the *Æqui* submitted to *Fabius*, first bought a truce very dear, and then obtained a peace, on the condition of being subject to the Republic.

Nevertheless, the next year in the Consulship of *Sp. Y. of R. Posthumius*, and *Q. Servilius**, some of the *Æqui* joined the old inhabitants of *Antium* (who being deprived of their lands had taken refuge among them) and ravaged the territory of the *Latines*. These faithful Allies of *Rome* were not allowed to arm in their own defence, nor would the *Romans* send their troops to defend them. The Senate chose rather to appoint a deputation to the Council of the *Æqui*; and *Fabius*, who had made the peace with them, was at the head of the embassy. He perceived by the indirect answers they made to his demands, that they had no intention to give the Republic satisfaction, but only to amuse him. Under pretence therefore of visiting their temples and public buildings, he examined their magazines of arms and provisions, some of which he found full, and others filling. The report he made at his return of the 287.
Bef. J. C.
465.
44th Con-
sulship.
* A 2d
time Conf.
D. Hal. p.
617.

preparations for war, which the *Æqui* in conjunction with the fugitive *Antiates* were carrying on, induced the Republic to chuse two Consuls for the next year, whose names were formidable to those two Nations, *T. Quinctius*, * who had conquered *Antium* in his second

Y. of R. 288. Consulate, and *Q. Fabius*, who had forced the *Æqui* to sue for peace in his first. *Fabius*, who was ordered to march against the *Æqui*, tried first in vain to reduce them by negotiation. The two Consuls then joined their forces, and came to a bloody battle with the enemy, near *Algidum*, fifteen miles from *Rome*, but with little advantage to either side.

464. 45th Consulship. * A 3d time Conf. D. Hal. P. 618. *Livy, ib. c. 2.* In the following Consulship of *A. Posthumius* and *Sp. Furius*, men little skilled in the business of war, the latter commanded the army against the *Æqui*, while the former stay'd behind to cover the Country. *Furius* encamped imprudently, engaged rashly with the enemy, and was defeated; after which he was so closely besieged by them in his camp, that not a man could go out to give notice at *Rome* of his danger. However, the Senate had advice of it, and, in so great a distress, resolved upon an expedient, never used but in cases of extreme peril. They gave up the *Roman* Government absolutely into the other Consul's hands, by these words: 'Let the Consul take care that the Republic suffer no detriment. *Videret Consul ne quid Respublica detrimenti caperet.*' *Posthumius*, who received this commission, made all take arms who were able, and gave *T. Quinctius* the command of the army, with the title of Pro-consul. As soon as *Quinctius* came within sight of the invested camp, the *Æqui* left the attack, and retired in haste; but *Furius* had before made a sally, in which his brother *L. Furius* and two Cohorts, consisting of a thousand men, had been surrounded by the enemy and all slain, having chosen rather to die fighting, than surrender their arms. The Consul being now equal in numbers to the enemy, acted upon the offensive, and obliged them to retire into their own Country. *Posthumius* likewise attacked a considerable body of their pillagers loaded with spoil,

Livy, B. 3. c. 5.

and

and made a great slaughter of them: And by these successes *Rome* was again in tranquillity.

§. VI. BUT the next year, when *P. Servilius Priscus* and *L. Æbutius Elva* held the Consulship, a dreadful Plague swept away a multitude of the *Roman* Citizens of both orders. The dead were so numerous, that the living threw them into the *Tyber*, without burial. Upon the news of this mortality, the *Æqui* and *Volsi* entered into a league against *Rome*, which they proposed to besiege. They began the war with committing hostilities in the territories of the *Latines* and *Hernici*. These allies applied to the *Roman* Senate for succour; but their deputies found *Æbutius* breathing his last, and *Servilius* not far from death. However the latter made himself be carried to the Senate-House, whither some of the Senators likewise, half dead, were carried in litters: but all they could do, was to give leave to the Allies to arm and defend themselves, and to promise them assistance in better times. The *Latines* and *Hernici*, not in a condition to take the field, shut themselves up in their towns, and left their country open to the ravages of the enemy, who at length appeared before *Rome*. Both the Consuls were now dead, and the greater part of the Tribunes; the Plague had carried off one fourth part of the Senators, and the rest with the other Nobles were most of them sick. The care of the Republic had devolved upon the *Ædiles*.

Notwithstanding so many calamities, the *Romans* seemed to have lost nothing of their wonted steadiness. They crept to the ramparts, and put a good face upon their affairs. Those of the Senators who were

* It is not absolutely certain in what month of the year the Consuls entered upon their Office, from *Brutus* to this time. *Livy* tells us that *Servilius* and *Æbutius* entered upon the Consulship the first of *August*. It will appear in the sequel of this History, that down to the 600th year of *Rome*, the Consular years began in different months, sometimes in *July*, sometimes in *December*, and sometimes in *March*. Afterwards they began the first of *January*, and continued so to do as long as the Republic lasted. *Romillé*.

able, mounted the guard and stood Centinels, and the City was strong on every side. The *Æqui* and *Volsi* at length abandoned their ^b project of a siege, and marched their forces towards *Tusculum*.

Livy, c. 7. In the mean time, the Plague still raging, the People turned their thoughts to divine assistance; all made their vows upon the altars; the women swept the Temples with their hair, and continued prostrate in the presence of the Gods. From this time (says *Livy*) the pestilence gradually abated; and the Citizens recovering health and strength, began to apply themselves to affairs. Several Inter-Kings were successively appointed to govern the State. *Valerius*, the third day of his administration as Inter-Rex, named *Lucretius Tricipitinus* and *T. Veturius Geminus* Consuls. They entered on their Magistracy before the middle of *August*. *Dionysius* reports, that one of the Tribunes would have immediately revived the affair of the conquered *p. 625* lands; but that the People chose to defer it to a more convenient season, being now entirely bent to revenge the insults they had suffered from the *Æqui* and *Volsi* the last year. Even those Citizens, whom the Laws exempted from going to war, neglected their privileges, and voluntarily enlisted themselves for the service; so that the Consular Armies were presently formed. It was *Lucretius*'s fortune to engage with the confederates, and give them a dreadful overthrow; they lost 13460 men in the battle and in their flight after it, and they were soon after defeated again by the forces of the two Consuls united. And thus the Republic was restored to her former flourishing condition.

^b *Livy* represents the enemy as quitting the enterprize through fear of the infection; *D. Hal.* as repulsed by the Romans.

C H A P. XX.

§. I. During the absence of the Consuls from Rome, *Terentius Arsa*, one of the Tribunes, proposes to the People, that there should be an establishment of Fixed LAWS

LAWs to be the RULE to the Magistrates in deciding causes between man and man. §. II. Q. Fabius, Governor of the City, warmly opposes it. Terentius suspends the pursuit of his design, and, after the arrival of the Consuls at Rome drops it entirely. §. III. But the affair is revived in the succeeding Consulate of P. Volumnius and S. Sulpitius. Great contests about it. A stop put to the dispute by prodigies and ill omens. §. IV. The Law is again proposed. The contending parties come to blows. Quinctius Cæso, the son of Quinctius Cincinnatus, is cited before the Commons for the violent part he had acted in those scuffles. §. V. His uncle T. Quinctius, and his father L. Quinctius plead for him. He is falsely accused of murder. The decision of the cause is deferred to another day; before the coming of which, Cæso banishes himself.

§. I. **W**HILE *Veturius* and *Lucretius* were in Y. of R. the field, pursuing the advantages they had gained over the *Æqui* and *Volsci*, a certain Tribune of the Commons, named C. Terentius * *Arfa*, took the favourable opportunity of the absence of those Magistrates, to propose a new Law of great importance to the People, and tending much to diminish the power of the Nobles.

During the Regal State of *Rome* the sole will of the King had been instead of Law in all private causes. As the Consuls succeeded to the regal power, they likewise succeeded to the prerogative of distributing justice, by themselves or their *Patrician* Substitutes. A few, and but few Rules of Law were written; and these were in the sacred books to which *Patricians* only had access. The People in general, wholly occupy'd in cultivating the lands, and rarely coming to town but on market days about their domestic concerns, or to be present at the *Comitia* and other public Assemblies, holden only on those days, were entirely ignorant of the science of Law.

* *Livy* calls him *Terentillus*.

Y. of R. *Terentius*, in his harangue to the People, urged with
 291. great vehemence that the Consular Authority was ex-
 Bef. 7. C. cessive, and insupportable in a free City. That the
 461. Consuls, independent and uncontroll'd themselves,
 48th Con- turned all the terror and penalties of the Laws against
 sulship. the *Plebeians*. That the State, by the erection of the
Livy, B. 3. Consular Magistracy in the place of the *Regal*, had on-
 8: 9. ly got two Kings instead of one. "But, (he added)
 "to put an end to this despotic sway of the Consuls,
 "he would prefer a bill for empowering five of the
 "best men in the Republic to form a body of Laws,
 "whereby those Magistrates should themselves be go-
 "vern'd, so that for the future they should not give
 "their will for Law, nor exercise any authority over
 "their fellow Citizens, but what those very Citizens
 "should entrust them with."

D. Hal. B. §. II. THE Nobles (says *Dionysius*) were terribly
 19. p. 628. alarm'd with the danger of being constrain'd to have
Livy B. 3. regard to Laws in their administration of the public
 8: 9. affairs. *Q. Fabius*, who had been twice Consul, was
 at this time Governor of the City. He convened the
 Senate, and inveighed in such terms against both the
 bill and its Author, that the Consuls themselves, had
 they been present, could not have fallen upon the
 Tribune with greater fury, or employ'd more dread-
 ful menaces. He charged *Terentius* with taking ad-
 vantage of the absence of the Consuls to strike at the
 very being of the Republic; adding, "That if, the
 "year before, while the Plague made such havock in
 "the City, and foreign enemies laid waste the territo-
 "ry of *Rome*, the Gods, in their wrath, had permit-
 "ted a man, like him, to be in the Tribuneship, the com-
 "monwealth must have sunk under her heavy calami-
 "ties: that doubtless after the death of the Consuls, he
 "would have preferr'd bills for abolishing the Consular

Mr. Vertot calls this *Fabius*, a man inviolably attached to the *Laws* and Constitution of the Republic. We shall find him, by and by, one of the Decemvirs who attempt to establish themselves in a perpetual Tyranny.

"Government,

“ Government, and, in case of failure in that enterprise, have come at the head of the *Æqui* and *Volsci* to besiege and assault the City.—” Then, addressing himself to the other Tribunes, and softening his style, he earnestly intreated them to engage their Collegue to suspend the prosecution of his design, till the arrival of the Consuls. The Tribunes comply’d, and even did more than was ask’d; for they prevail’d with *Terentius* (as we shall presently see) to drop the business in reality, tho’ in appearance it was only deferr’d. The Consuls were sent for home.

Lucretius brought with him to *Rome* a prodigious *Liv.* booty; and the whole was exposed, during three days, *ib.* in the *Campus Martius*, that every man who had been plunder’d by the enemy might take back his own. This procedure gain’d the Consul much good will, and all agreed that he deserved a triumph for his successful Campaign. The triumph was however postponed, he himself judging the affair of *Terentius*’s bill (then depending) to be of more importance. Several days was this debated in the Senate and before the People. At length (says *Livy*) the Tribune yielded to the Majesty of the Consul and desisted; and then *Lucretius* and his army received their due honours. (*Veturius* had only an ovation.)

§. III. TRANQUILLITY continued not long. *Y. of R.* For no sooner were the Consuls elect, *P. Volumnius* *292.* and *S. Sulpicius*, entered upon their office, than all the *Bef. J. C.* five new Tribunes (of whom *Virginius* was the warm- *460.* est) exerted their utmost efforts to get *Terentius*’s bill *49th Con-* passed. Superstition put some stop to the progress of *D. Hal. B.* this important affair. Earthquakes gave the alarm; *10. p. 628,* *Livy, B. 3,* *C. 10.*

* Mr. *Fortot* understands *Terentius*’s bill to have consisted of two distinct articles, the first for a limitation of the Consular Authority, which article he supposes to have been dropp’d entirely; the second, for introducing and establishing a body of written Laws. I cannot perceive that any other limitation of the Consular Prerogatives was intended by *Terentius*, than what that body of fix’d Laws, proposed by him, would necessarily put to it, and what the Decemviral Laws of the 12 Tables did actually put to it a few years after.

and

Y. of R. and then fiery meteors, and other phænomena, purely
 292. natural, the vulgar consider'd as forerunners of great-
 Bef. J. C. er calamities. And when fear had once taken possession
 460. of their minds, spectres were seen by some, superna-
 49th Con- tural voices heard by others. That a Cow had spoke,
 sulship. was a tale which had found no credit the last year,
 but now it was believed; and the more easily on ac-
 count of a new prodigy (which no body question'd,
 and which had no example on record) *a shower of raw*
flesh, of which, as it fell, some greedy flocks of birds
 catch'd a part, and the rest lay long on the ground
 without corrupting, or having any ill smell.

Recourse was presently had to the Sybilline books;
 and the Duumvirs (two *Patricians*) who had the care
 of them, and perfectly understood them, discover'd
 there, that *Rome* was by these prodigies threatened with
 an invasion from strangers, and that the *Romans* would
 do well to avoid civil discord. To support the prediction,
 hasty tidings came from the *Hernici*, that the *Æqui*
 and *Volsci* in concert with the new colony of *Antium*,
 were preparing to attack the Republic. The Tribunes
 laugh'd both at the prediction, and at the important
 news; and accused the Senators (not without reason)
 of inventing both, to stave off the affair of *Terentius's*
 bill. And when the Senate had order'd ^d Levies to be
 made

^d *Dionysius* says nothing of the intelligence from the *Hernici*, or the
 consequent order for Levies of soldiers. He represents (B. 10. p.
 629.) the Senate and Tribunes as gravely conferring about the mea-
 sures proper to be taken for guarding the State, against the unknown
 dangers threatned by the bad omens. He adds, that the assembly
 agreed upon the expediency of concord in the administration of the
 public affairs; but could not agree upon the means to effect that
 concord. Must the Nobles yield to the Tribunes, or the Tribunes
 to the Nobles? The Consuls and the chief Senators alledged that
 the Tribunes, by attempting innovations in the Government, ought
 to be deem'd the authors of all the civil feuds. On the other hand
 the Tribunes charged the Consuls and the *Patricians* with being the
 sole causes of the disturbances, by their unreasonableness in opposition to a
 wholesom bill, which tended only to establish a just equality among
 the Citizens. Finding their remonstrances ineffectual they had re-
 course to the People.

The

made for the war, and the Consuls, erecting their Y. of R. Tribunal in the Forum, would have perform'd their 292. Commission, the Tribunes interposed. If the Licors Bet. J. C. laid hold of any Citizen, who refused to give his 460. name, the Tribunes, aided by the multitude, set him 49th Con- fulship. free.

§. IV. NOR did these *Plebeian* Magistrates use more violence to hinder the Levies, than the Nobles did to hinder the passing of the Law; which was constantly propos'd every *comitial* day, and was now couched in words to this effect. "That the People, in lawful D. Hal. B. Comitia, should depute ten persons venerable for 10. p. 629, "their age and prudence, and whose sole ambition "was true glory, to form a body of Laws for regula- "ting both public and private affairs; that these Laws, "when compil'd, should be propos'd to an assembly "of the People; and, when approved and enacted by "the People, should be fix'd up in the Forum, to the

The same Historian reports, that in the assembly to which the Tribunes propos'd the Law, there were many of the elder Senators as well as of the younger, who deliver'd studied speeches against it, and that the debate last'd several days; till the Tribunes, vex'd at the loss of so much time, refus'd to hear any more remonstrances, and appointed a day for coming to a final determination upon the question; and when they had exhort'd all the *Plebeians* to be then present, in order to give their suffrages by TRIBES, they dismiss'd the assembly. That, after this, the Consuls and most considerable men of the *Patricians* inveigh'd in very sharp terms against the Tribunes, and protest'd that they would never suffer the introduction of new Laws, which had not first pass'd the approbation of the Senate. They said, (p. 630.) "that Laws were a sort of compact between "all the members of a State, and not rules dictat'd by one part of "it only. That when a part, the ignoble and worse part, took up- "on them to prescribe Laws to the noble and better, destruction "must inevitably be the consequence. What right (said they) have "you Tribunes, to enact Laws or to abrogate Laws? your authority "is but an emanation from that of the Senate. The purpose of your "institution was only to succour the poor Citizens when oppress'd; "and this privilege was granted conditionally that you should at- "tempt nothing farther, and you have forfeit'd this privilege by "the changes you have made with regard to the *Comitia* held for "your elections, &c." *Vid. supr.* p. 60. The Historian adds; that after these expostulations they had recourse to violence, and that *Cæso* was their chief instrument, &c.

" end

74
Y. C.
3
Bef.
49
Lil

77

Y. of R.

292.

Bef. J. C.

460.

49th Con-
fultship.

v. *ib.*

12.

Y. of R. "end that every man might know what were his own
 292. "rights, and what the rights of the annual Magi-
 Bef. J. C. "strates."

460.
 49th Con- As, in these assemblies, headstrong temerity and
 fulship. violence prevail'd, and there was no room for sober
 Livy B. 3. and deliberate counsel, the elder Senators seldom ap-
 6. 11. pear'd there; and the Consuls for the most part kept
 away for fear of exposing the dignity of their office to
 affronts. The conduct of the opposition to the Tri-
 bunes, they generally left to the young, rash, audaci-
 ous Nobles. Conspicuous among these was *Quinctius*
Cæso, a person of high birth (being the son of *Quincti-*
us Cincinnatus) approved courage in war, and of an
 extraordinary size and strength of body. With these
 advantages he had the talent of oratory. The Repub-
 lic could not boast of a braver soldier, or a readier
 speaker. This youth, when encircled with his band
 of Nobles, as if his strength and eloquence had in-
 vested him with all consular, and even dictatorial pow-
 er, stood forth the bulwark of the Senate; and not
 only sustained the most stormy efforts of the Tribunes,
 but frequently drove them and all their *Plebeians* out
 of the Forum. Whoever offer'd to resist did not fail
 to be severely treated, stripp'd of his cloaths and sent
 away naked: so that the Tribunes plainly saw their
 bill was lost, if *Cæso* were suffer'd to go on at this rate.
 Four of them he had quite disheartened by his over-
 bearing violences; but *Virginus*, who had a spirit not
 easy to be daunted, cited him to trial before the Peo-
 ple, on a capital accusation. *Cæso*, rather enraged
 than terrified by this affront, became more insolent
 and audacious than ever in the war he made upon the
Plebeians and their Tribunes. His accuser, during the
 interval between the summons and the day for trial,
 gave him free scope to hurt himself, and frequently
 proposed the Bill, not in hopes of passing it, but to
 provoke the young man to furnish, by new misdemean-
 ors, more matter for his impeachment, which he fail'd
 not to do; and every odious thing done or said by any
 of the other young *Patricians*, was imputed to *Cæso*;
 who,

Livy, *ibid.*
 D. Hal.
 p. 630.

who, nevertheless, continued forcibly to hinder the passing of the Bill into a Law. At length *Virginus*, addressing himself to the *Plebeians* assembled, “ You see, *Romans*, that it is impossible for you to obtain the Law you so much desire, while *Cæso* continues a Citizen of *Rome*. But why do I speak of that Law? He stands in the way of your *liberty*; and, in pride, surpasses all the *Tarquins* that ever lived. This youth, so audacious and violent while only a private Citizen, must doubtless make an excellent Magistrate. What think you? shall we patiently wait till we see him Consul or Dictator?”

At these words, many from among the multitude, and especially those who had been roughly treated by *Cæso*, vehemently call'd out to the Tribune to persist in the prosecution of the delinquent, and to do his utmost to bring him to condign punishment.

§. V. THE day for the trial came; and the *Plebeians* in general, by their warmth and earnestness, seem'd to think that their liberty depended on the condemnation of *Cæso*. Urged therefore by necessity he, with much inward indignation, went about * soliciting the favour even of the meanest among them. His relations and friends made themselves his advocates to the assembly; yet they did not attempt to clear him of the violences laid to his charge, but answered the invectives of the Tribunes against him by expatiating on his real merit. His uncle *T. Quinctius*, after recounting the honours which he himself and others of the *Quinctian* name had acquired by their exploits; affirm'd, that neither his family, nor even the *Roman* State had ever produced a finer genius, or a warrior of more consummate bravery

* This is *Livy's* account.

Dionysius, p. 631, says nothing of the timorous and submissive behaviour of *Cæso*; but, on the contrary, that when he was called upon to plead, he refused to own the jurisdiction of the Assembly, offering at the same time to submit himself to the judgment of the Consuls, whom he regarded as his only lawful Judges.

And this Historian introduces no other advocate pleading for *Cæso*, but his own father *L. Quinctius Cincinnatus*, into whose mouth he puts the substance of all that *Livy* imputes to other speakers.

Y. of R. 292.
 Bef. J. C. 460.
 49th Consulship.

bravery than *Cæso*; whom, when he served under him, he had often seen behave himself so gallantly in fight, that he had mark'd him for the prime soldier of the army. *Sp. Furius* (who had been Consul in 289) bore testimony to the successful valour which *Cæso* had exerted, when sent by his uncle *Titus* to rescue him and his army out of imminent danger. *Lucretius*, one of the last year's Consuls, cover'd with fresh laurels, shared his glory with *Cæso*, enumerating his many valiant deeds both in expeditions and in pitch'd battles; and he admonish'd the assembly to make it their choice, that a young man of so excellent natural endowments, and who could not but be a valuable possession to any State to which he should belong, might rather be a Citizen of *Rome* than of any other City. He added, that increase of years would gradually diminish in him that indiscreet ardor and too forward boldness which gave offence, and that experience would teach him the only thing he wanted, prudence. And he pressed them therefore that they would suffer to grow old among them so great a genius, whose faults were decaying and virtues ripening.

L. Quinctius Cincinnatus pleaded likewise for his son, not by extolling his merit (for he fear'd lest that would serve only to exasperate his enemies) but by humbly intreating the assembly to impute his errors to his youth, and to forgive them for the sake of his father, whom no man could accuse of having injured them in any instance by word or deed.

D. Hal.
 P. 631.

Virginus, perceiving that the multitude were soften'd towards the accused by these intercessions, and the merit of the intercessors, and fearing that if *Cæso* escaped with impunity, the young Nobles would become more insolent than ever, answer'd *Cincinnatus*, "That his son was the more inexcusable, for his having had the example of so good a father, whereby to regulate his conduct, and having totally neglected to follow it." He added, "You, *Lucius Quinctius*, are doubtless in a great measure ignorant of the crimes and misdemeanors of this unworthy son, who is no less a reproach to you, than a plague to his Country: but that you may

" be

“ be better acquainted with his character, please to Y. of R.
 “ hear a relation of one of his noble deeds, and com-^{292.}
 “ pare it with those his exploits in war that have gain’d ^{Bel. J. C.}
 “ him so much glory; and let the assembly judge whe-^{460.}
 “ ther it be adviseable to shew indulgence to such a ^{49th Con-}fulship.
 “ Citizen.”

Then calling upon one *Volscius* (who stood prepared ^{D. Hal.}
 to act a part which had been concerted between them) ^{P. 632.}
 he bid him recount what he knew of *Cæso*’s behaviour. ^{Livy, B. 3.}

Volscius,^{c. 13.} directing his speech to the People, said, “ I
 “ could have wish’d it had been in my power sooner to
 “ bring my complaints for the death of a most dear
 “ brother whom *Cæso* murdered. It was in the Con-
 “ sulship of *L. Æbutius* and *P. Servilius*, when *Rome*
 “ was afflicted with the Plague. Returning home one
 “ evening, my brother and I, from a friend’s house
 “ where we had supped, we met *Cæso*, with some of
 “ his libertine companions, who together had been
 “ making a debauch. They at first attacked us with
 “ abusive language, such as young men full of wine
 “ are wont to employ when they would insult poor Ci-
 “ tizens whom they despise. My brother answering
 “ one of them as a man of spirit would do, *Cæso* in-
 “ stantly knock’d him down, and with his fists and his
 “ feet so bruised him, that he (not perfectly recover’d
 “ of the epidemic sickness with which he had been
 “ seized) remained half dead upon the ground. I had
 “ him convey’d home in mens arms, he died presently
 “ after, and it was judged that he died of the blows he
 “ had received. I could not carry my complaints to the
 “ Consuls, they dying the same year of the Plague.
 “ Their successors *L. Lucretius* and *T. Veturius* were a
 “ long time in the field. At their return I cited *Cæso*
 “ several times to appear before them; but instead of
 “ justice I got nothing from him but blows.”

This

¹ *Dionysius* makes this *Volscius* to be one of the present Tribunes.
Livy says he had some years before been Tribune. According to
Pizzius there was a *Volscius* among the Tribunes in the Consulship of
Æbutius and *Servilius*, when the pretended quarrel is said to have hap-
 pen’d.

Y. of R.

292.

Bef. J. C.

460.

49th Con-

sulship.

D. Hal.

P. 633.

Livy, *Ibid.*

This story blew the People up to such a rage, that some of them seem'd disposed, without examining into the truth of the fact, to kill *Cæso* upon the spot. The Consuls and even the Tribunes themselves gave a check to this extravagance. But *Virginus* commanded to lay hold on *Cæso* and carry him to prison, there to be detain'd, till he should be brought to trial for his life on *Volscius's* accusation. The *Patricians* forcibly opposed the execution of this order, and *Tit. Quinctius* remonstrated to the assembly, that it was utterly illegal to do violence to the person of any Citizen unheard and uncondemn'd, tho' he were accused of a capital crime. *Virginus* answer'd, that he had no intention to punish *Cæso* before condemnation, but that his person ought to be secured in prison to the day of trial, that the *Roman* People might have it in their power to inflict due punishment on a murderer. The other Tribunes, being appeal'd to, took a middle way; they agreed that *Cæso* should not be imprison'd, but should give security to appear in judgment on the day appointed. It was re-ferr'd to the Senate to name the sum in which each surety should be bound; and *Cæso* was held in arrest in the Forum, during the deliberation of the fathers on this matter; they fix'd the sum at 3000 *Asses*. It being left to the Tribunes to determine the number of the sureties, they demanded ten; and accordingly ten were bound for *Cæso's* appearance, and he released. This was the first instance of security given to the *Public* for appearance. *Cæso* that very night left *Rome* and retired into *Hetruria*.

When the day, fixed for the trial, came, it was urg-ed, that, *Cæso* having banish'd himself, all proceedings ought to be stopp'd; *Virginus* nevertheless held the *Comitia*: but the other Tribunes, being appeal'd to, dismiss'd the Assembly. The surety-money was how-ever rigorously exacted.

D. Hal.

B. 10.

p. 633.

Livy. B. 3.

c. 13.

Quinctius Cincinnatus would not permit the other sureties to be sufferers; and, to satisfy the whole demand,

* About 9l. 13s. 9d. *Arbutus*.

mand, sold the better part of his estate, retiring to a poor cottage on the farther side of the *Tiber*, where with his own hands he cultivated a few acres of land, which from his name were afterwards call'd the *Quincilian Meadows*.

Y. of R.
292.
Bef. J. C.
460.
49th Con-
sulship.

C H A P. XXI.

§. I. *The Patricians continue steady in their opposition to the Bill, and conduct themselves in that opposition with more art than they had hitherto done. The Tribunes, not able to carry their point, spread false reports, injurious to the Senate and the whole body of the Nobles.*

§. I. **T**HE Tribunes, elated by their new victory, believed themselves now secure of getting *Terentius's* Bill passed. They imagined, that the *Patricians*, intimidated by the banishment of *Cæso*, would infallibly stoop to them; and they flatter'd themselves the more readily with this hope, because the elder *Senators* (who kept pretty much out of sight) seem'd to yield to them the possession of the Government. Vain was their hope; they were totally disappointed. For the younger Nobles, and especially the late companions of *Cæso*, had lost nothing of their boldness; their anger against the Commons was augmented, and they had learnt to guide its fury more artfully than before. Whenever the Law was proposed, and the Tribunes, by attempting to remove them from the Assembly, had furnish'd them with a pretext for violence, they attack'd those *Plebeian* Magistrates in such a manner, that no one of the assailants could be singled out as more guilty than any other. The People complain'd, that, instead of one *Cæso*, they had now to do with a thousand. In the intermediate days, when the Law was not in question, no men more peaceable and gracious than these young Nobles; they courteously saluted the *Plebeians*, accosted them familiarly, invited

them to their houses, frequented the Forum to assist them in their causes, and even permitted the Tribunes unmolested to hold Councils of the Commons, and do any business they pleased, that of the Law only excepted: nay, without so much as throwing out a word of contradiction, they suffer'd those *Plebeian* Magistrates to be rechosen for the coming year, to the same office; condescensions and compliances by which they gradually soften'd the multitude, and blunted the edge of their zeal for the Law: and by this various management, they effectually defeated every attempt to get it passed, throughout the whole year of *Volumnius* and *Sulpicius*.

Y. of R.
293.
Bef. J. C.
459.
50th Con-
sulship.

Liv. B. 3.
c. 15.

These Consuls gave place to *P. Valerius* and *C. Claudius* (brother of *Appius* who kill'd himself) but the Bill continued to be the sole object of the public attention. The more the young Nobles insinuated themselves into the affections of the *Plebeians*, the more did the Tribunes endeavour to instil into the minds of the same *Plebeians* suspicions of those Nobles, by loading them with calumnies. They gave out, "That there was a conspiracy on foot; that *Cæso Quintius* was actually in *Rome*; that measures were concerted to murder the Tribunes and massacre the Commons. That the elder Nobles had commission'd the younger to suppress the Tribunician Power, that so the Republic might be restored to the same form of Government in which it was before the *Secession*."

This is *Livy's* account (and it is all that he says) of the management of the Tribunes to render ineffectual the artifices of the young *Patricians* with regard to the *Plebeians*; and there is nothing incredible or extraordinary in this account. When discord prevails, and faction runs high in a City or a State, such slanderous reports, *lies of a day*, are common. But *Dionysius* (in-

B. 10.
p. 634.

cited

* Mr. Rollin thinks it not improbable that the Tribunes had received some imperfect information of the conspiracy which presently after broke out, and of which *Herdenius* the *Sabine* was the conductor; and that

cited perhaps by his passion for speech-making, or a de-Y. of R.
 fire to please the *Claudian* family) has expatiated on this ^{293.}
 matter, and given us a long tale, the more material cir- ^{Bef. J. C.}
 cumstance of which seems equally incredible and ridi- ^{459.}
 culous; and the introduction to his tale is very well suit- ^{459.}
 ed to it. *Rome*, says he, was threatned with a more ter-
 rible war from the neighbouring powers, than it had
 ever yet sustain'd. And this danger it was brought into
 by its intestine divisions, *conformably to the prediction of*
the Sibylline oracles, and the forewarnings of heaven by
the last year's prodigies, the spectres, miraculous voices,
 shower of raw flesh, &c. [What the Cow said, was
 spoken the year before.]

The Tribunes, perceiving that the Consul *Claudius*
 had inherited the implacable hatred of his family to the
 Commons, and was prepared to oppose their demands
 with all his power; and finding the faction of the young
 Nobles too strong to be quell'd by force, especially since
 these, by their caresses and soothing arts, had concili-
 ated to them many of the *Plebeians*, and cool'd their ar-
 dour for passing the Law, they, in order to strike a ter-
 ror into the *Plebeians* [so gain'd] and to get the better of
Claudius, impudently contrived the following stratagem.
 Having first alarm'd the multitude, by spreading abroad
 various rumours, all importing mischief that hung over
 the State, the five Tribunes sitting in the Forum from
 morning to night, and seeming full of anxious care, held
 consultations, to which they admitted no other person.
 This part acted for some days, they forged a letter, and
 caused it to be deliver'd to them in the sight of all the
 People, by a person unknown. On reading the con-
 tents they start from their seats, strike their foreheads
 with their hands, put on looks of extreme surprise and
 sorrow, and, when by all this they have drawn
 about them a numerous crowd (earnest to know what
 the letter contain'd) "*Romans*, says *Virginus*, the Com-

that, by their hatred to the *Patricians*, they were carried to suspect
 these, their domestic adversaries, of the mischievous designs formed by
 a foreign enemy.

Y. of R. 293. " mons of *Rome* are in the utmost peril. If the Gods,
 Bef. J. C. " protectors of innocence, had not interposed, we had
 459. " been inevitably undone. Be pleased to remain here
 50th Con- " till we have acquainted the Sénate with our intelli-
 fulship. " gence, that so all may unite in taking measures for
 " the preservation of the Republic." This said, away
 they went to the Consuls: While the Consuls assem-
 bled the Senators, various were the discourses and ima-
 ginations of the People in the Forum, concerning the
 contents of the letter. The Emissaries of the Tribunes,
 following their instructions, put about reports expressly
 contrived for the occasion. The rest believed and spoke
 each man according to his fears. Some said, the letter
 doubtless imported, that *Cæso Quinctius* had been chosen
 General of the *Æqui* and *Volsci*, and was coming with
 a numerous army to attack *Rome*. Others knew for
 certain, that *Cæso's* business was only to crush the Com-
 mons of *Rome*, deprive them of their privileges, and
 abolish the Tribuneship; and that with the universal
 consent of the *Patricians* he had undertaken to do this
 by the means of a foreign army. No (said others) not
 all the *Patricians* are in the conspiracy, but the younger
 of them only; and many affirm'd that *Cæso* was not
 coming, but was already in the City, tho' conceal'd,
 and was actually contriving with his associates to seize
 the fortresses and all the advantageous posts.

D. Hal.
 P. 635,
 & seq.

The Senate being assembled, *Virginus*, in the name
 of the whole College of Tribunes, delivered himself in
 words to this effect.

" Many rumours, *Conscript Fathers*, have of late
 " prevail'd in the City concerning some great evil with
 " which we are threatned; but as they were uncertain
 " and devoid of proof, we durst not report them to
 " you, lest our so doing should raise a commotion, and,
 " you should think us more hasty and rash than pru-
 " dent. We did not however neglect these rumours,
 " but used our best endeavours to discover the ground
 " of them. At length the Divine Providence, perpe-
 " tual Guardian of this Republic, has brought to light
 " the

“ the hidden counsels of impious men. We have just
 “ received a letter from strangers, who have shew’d
 “ that they have a true affection for us, and whom we
 “ shall hereafter name to you. Our foreign intelligence
 “ agrees exactly with the rumours at home. The dan-
 “ ger presses ; measures to ward it must be immediately
 “ taken ; but we resolved (as was fitting) to lay the
 “ matter open to you, before we inform’d the People
 “ of it.

“ Know then, that there is a conspiracy form’d
 “ against the Commons of *Rome*, by persons of distinc-
 “ tion ; among whom, it is said, there are some, not many,
 “ of the elder Senators ; that the greater number of
 “ conspirators are Knights, not yet received into the
 “ Senate, and whom it is not yet time to mention by
 “ name. They have resolved (so we are inform’d) to
 “ take the opportunity of some dark night to attack us
 “ in our sleep. Breaking into our houses, they are to cut
 “ the throats of the Tribunes, and of all those *Plebeians*
 “ who have distinguish’d themselves by a zeal for the
 “ liberty of the People. And when we are once taken
 “ off, they think they shall easily prevail with you to
 “ revoke, by an unanimous decree, all the concessions
 “ you have made to the Commons. And, as they saw,
 “ that a considerable number of foreign soldiers, would
 “ be necessary for the execution of this design, they
 “ have associated in their enterprise one of your exiles,
 “ *Cæso Quinctius*, and have made him the chief con-
 “ ductor of it, a man whom, tho’ convicted of sedition
 “ and murder, some, here present, rescued from pu-
 “ nishment by contriving his escape from *Rome*. To
 “ him the conspirators have promised magistracies and
 “ honours, and other rewards, of his noble exploits.
 “ He, on his part, has engaged to bring to their assist-
 “ ance, of the *Æqui* and *Volsci*, such a force as they
 “ want. In a short time he is to be here with some of
 “ the most daring of them, whom he is to introduce in-
 “ to the City, not all together, but secretly one by one,
 “ or in small numbers successively. The rest are soon
 “ to follow, and, when we the Tribunes are slain, fall

Y. of R. 293. "without mercy upon every poor *Plebeian*, who shall
 Bef. J. C. "offer to defend his liberty.

459. "In this extremity of danger we have recourse to
 50th Con- "you, *Conscript Fathers*, and conjure you by all that
 fulship. "is most sacred, not to abandon us to the rage and
 "cruelty of these our wicked enemies; but to aid us
 "in taking due vengeance on the authors of so de-
 "testable an enterprise. The first thing we humbly
 "intreat of you is (and nothing can be more reasona-
 "ble) that by a Decree you authorize us Tribunes to
 "take informations against the conspirators. It is surely
 "fitting, that, in such an inquisition, the persons
 "whose lives are threatned by the plot, should be the
 "inquisitors. If there be any man here, who shall
 "oppose this demand, he must be either out of his
 "wits, or deeply engaged in the conspiracy."

D. Hal. p. 637, & seq. The Senators were greatly astonish'd at this relation,
 and no less perplex'd by the Tribune's request: They
 laid their heads together, but could not resolve what
 answer to make. They fear'd to grant what the Tri-
 bunes demanded, and they fear'd to refuse it. *Claudi-*
us, the Consul, suspecting some deceit, delivered
 them out of their Dilemma. Rising up, he thus an-
 swer'd: "You are extremely mistaken, *Virginus*, if
 "you imagine that any member of this house is so
 "foolish, or such an enemy to the People, as to be a-
 "gainst an enquiry into the Plot you speak of (if any
 "such plot there be) or against admitting the Tri-
 "bunes into the number of the inquisitors. But, to
 "tell you my mind freely (and I have no apprehension
 "of being thought one of the conspirators) I look
 "upon this whole matter as a pure invention and stra-
 "tagem of your own, to revenge yourselves on us for
 "our opposition to your Bill. If there be any plot on
 "foot, you are the plotters. The result of those long
 "and close consultations you held in the Forum, was
 "this notable scheme. You were first to alarm the
 "People with rumours of impending danger, and by
 "this prepare their minds to receive implicitly any
 "dreadful story you should afterwards please to give
 "out."

“ out. Then a person unknown was to deliver to you ^{Y. of R.}
 “ in public, a letter, containing intelligence of a con- ^{293.}
 “ spiracy against the Commons of Rome. Thus fur- ^{Bef. J. C.}
 “ nish'd with matter of complaint, you were to come ^{459.}
 “ to the Senate, be very angry, and demand a Decree ^{50th Con-}
 “ empowering you to fit inquisitors on this important af-
 “ fair. Thought you, *If the Patricians reject our re-*
 “ *quest, we can take occasion from thence to make them*
 “ *very criminal in the eyes of the People, who, exasperated*
 “ *to the pitch of fury, will be ready to execute whatever*
 “ *we shall prompt them to; on the other hand, if the*
 “ *Patricians grant our request, we will then charge*
 “ *with treason all those of them, old and young, who*
 “ *have shewn the most resolution in opposing our mea-*
 “ *sures. The fear of a condemnation will either make*
 “ *them promise never more to oppose us, or compel them to*
 “ *leave the City. And thus we shall reduce our adver-*
 “ *saries to a very inconsiderable number.*

“ Such, *Conscript Fathers*, was the stratagem form'd
 “ against the most worthy of our Senators, such the
 “ snares laid for the innocent Knights. And that what
 “ I say is true a few words will evince.—Tell us, *Vir-*
 “ *ginus*, and you, the rest of the Tribunes, all in
 “ such imminent peril, Who are those strangers from
 “ whom you received your intelligence? Where do
 “ they dwell? How came you acquainted with them?
 “ And how came they to be so well acquainted with
 “ our councils and designs? Why delay to tell us who
 “ they are? Why promise to name them hereafter?
 “ You ought to have done it already. And where is
 “ that man, who brought you the letter you talk of?
 “ Why don't you produce him, that we may examine
 “ him, and thereby know whether what you say have
 “ any foundation of truth, or be only (as I suspect) a
 “ tale of your own forging? And then, as to your *do-*
 “ *mestic* intelligence, which agrees so perfectly well
 “ with your *foreign*, what was it? Who gave it you?
 “ What makes you conceal your proofs, and not rather
 “ display them before us? But in truth, it is not easy
 “ to prove what never was, nor is, nor will be.

Y. of R.

293.
Bef. J. C.
459.
50th Con-
sulship.

" *Conscript Fathers*, the thing speaks itself. The Tribunes have form'd a plot against us, and they would cover their fraud, by pretending that we have formed one against them. You may thank yourselves for this. You encouraged them to it, by arming those frantic Magistrates with such power, as you suffer'd them to assume, when they condemn'd *Cæso Quintilius*, the brave defender of the Nobles, upon a false accusation. Since that time they keep no measures. They no longer point their wrath at this or that particular Senator, but at the whole body of the *Patricians*; they are for driving every honest man out of *Rome*. My advice is, that you keep a very watchful eye upon these Tribunes, as upon seditious men, the contrivers of mischief. And I shall make no difficulty to warn the People, as I warn you. I shall freely tell them, that they have nothing to fear, but from the malicious devices of their own deceitful Magistrates, who under the cloak of friendship are their greatest enemies."

D. Hal. p.
639.

The whole Senate highly applauded this discourse of *Claudius*; they would listen no more to the Tribunes; and the assembly broke up. *Virginius* with his Collegues hasten'd back to the People (who in the Forum waited their return) and inveighed most bitterly against the Consuls and Senators. *Claudius* presently appear'd, and, by repeating what he had just said in the Senate-house, convinced all the sober minded, sensible men of his audience, that the pretended plot was a meer forgery. The weaker sort however continued to believe it true; and as for the profligate and ill-intentioned part of the multitude, men greedy of novelties, they did not care whether it were true or not: all they wanted was a pretext for sedition.

SUCH is the story, *Dionysius* has given us, of the deep laid scheme, the wonderful contrivance of the Tribunes to prevent any farther opposition to their Bill. They gravely and pathetically request of the Senate to erect them into a court of inquisition for examining into the treasonable practices, and disposing of the liberties

liberties and lives of the *Roman* Senators and Knights. ^{Y. of R.} And the ground of this modest demand is a letter ^{293.} which they pretend to have received from some ^{Bef. J. C.} strangers, advising them of a plot form'd by the Nobles ^{459.} of *Rome* against the Commons. The Senators, tho' ^{50th Con-} they lay their heads together, are embarrassed, and ^{sulship.} much at a loss for an answer. But the Consul *Claudius* being a man of deep penetration, and a ready wit, it comes into his mind, to ask the Tribunes, *Who sent the letter?* and *who brought it?* and they won't tell; and so there's an end of the matter.

* Mr. Vertot is so fond of this story, that he has given himself the pleasure to improve it. *Dionysius* imputes to the Tribunes no other aim in their device, but to terrify the *Plebeians*, and make them entertain a suspicion of those young Nobles who affected popularity. And when he introduces *Claudius* as an Orator displaying the malice of the Tribunes, the worst charge he puts into his mouth against them is a design to compel, by fear of condemnation, the most vigorous opponents of their bill, either to desist from their opposition or to leave the City. But Mr. Vertot roundly asserts, that the Tribunes secretly form'd the dreadful design of cutting off at one stroke the better part of the Senate, and of involving in the same ruin all the *Patricians*, who on account of their credit or riches were odious to them and suspected by them: *Ils formerent secretement l'affreux dessein de faire perir tout d'un coup la meilleure partie du Senat, & d'envelopper dans leur ruine tous les Patriciens qui leur estoient odieux & suspects par leur credit ou par leurs richesses.* The Abbé forgets that in those days the *Romans* were not so thirsty of civil blood. They could be very angry with one another, and belie one another, and box and kick, but were not disposed to murder in their quarrels. And it is not a whit more probable that the Tribunes projected such a terrible slaughter of the Nobles, than that the Nobles projected a massacre of the Tribunes and the other principal men of the *Plebeians*. Nay, if we may judge of the honesty of the parties, by the cause in dispute, the Tribunes will have the advantage. For their bill, which the *Patricians* opposed by illegal violences, was a very good bill, and tending much to the benefit of the commonwealth.

C H A P. XXII.

§. I. *The Capitol is surpris'd by a foreign enemy, the Plebeians refuse to arm in order to retake it. Valerius the Consul overcomes their obstinacy, and the Capitol is recover'd.*

IN

Y. of R. §. I. **I**N the midst of these intestine quarrels and com-
 293. motions, the Capitol, and the Fortrefs adjoining to it, were one night surprized and seized by 4500
 Bef. J. C. 459. men, outlaws and slaves, under the conduct of a cer-
 50th Con- tain *Sabine* named *Appius Herdonius*. He put to the
 fullship. sword all the *Romans* he could find there, who refused
 Livy, B. 3. to join him in his enterprize. Those who escaped ran
 c. 15. down into the Forum with the utmost speed of fear,
 crying out, "To arms! To arms! The enemy is in the
 "City." The Consuls not knowing, whether this
 sudden evil came from foreign or domestic foes, from
 the discontent and enmity of the Commons, or a plot
 of the slaves, were both afraid to arm the *Plebeians*,
 and afraid to leave them unarmed; nor could they
 bring the multitude, struck with consternation, and
 affright, under any Government; sometimes their en-
 deavours to appease the tumult made it more stormy.
 They gave out arms, but not to all indifferently, to
 such only as they could most confide in, a number
 sufficient for defence, till it could be known what ene-
 mies they had to deal with; and, full of anxiety,
 they pass the remainder of the night in posting guards
 at all the proper places. Day light discover'd both
 whence the war came, and who was the conductor of
 it. *Herdonius* from the Capitol, cry'd out, "Liberty
 "to all slaves! I have undertaken the cause of the mi-
 "serable, to restore the exiles to their country, and to
 "remove the heavy yoke of servitude from the neck
 "of those who bear it. It would be my choice, that
 "the *Roman* People should themselves do this. But
 "they refuse, I will bring hither the *Æqui* and *Volsce*
 "and leave nothing unattempted to accomplish my
 purpose." The mystery being now somewhat ex-
 plain'd, the Consuls and Senators became very uneasie
 with the apprehension, lest the enterprize should have
 been concerted with the *Sabines* and *Veientes*, whose
 forces would presently appear to support it; and lest
 the *Æqui* and *Volsce*, eternal enemies of *Rome*, should
 now come, not to plunder the frontiers as former times

but to assault the City. But their greatest dread was of Y. of R. their slaves at home, no man knowing but he had an ^{293.} enemy in his own house. It was dangerous to trust ^{Bef. J. C.} them, and dangerous to shew a distrust of their fide- ^{459.} ^{50th Con-} lity. Affairs seem'd in so desperate a condition, that ^{ful ship.} even concord among the Citizens would scarce be sufficient to preserve the State; and while such heavy calamities hung over it, no body fear'd any thing from the Tribunes or the *Plebeians*. The evils of which these were wont to be the authors were of a gentle kind, and ever occasion'd by the absence of all other evils; and the terror of a foreign enemy seem'd now to have laid asleep the animosity of the Commons. Nevertheless it was this that bore heaviest upon the Republic when thus inclining to a fall. For, as the Consuls had at first doubted, whether the alarm from the Capitol were not some stratagem of the Tribunes in favour of their Bill, so the Tribunes suspected the same alarm to be a contrivance of the Nobles to defeat the Bill. They bawl'd out, "No invasion! An imaginary war! A trick to make us forget the Bill: The Bill once passed, those clients and guests of the *Patricians* will steal away more silently than they came!" Instantly they send to the People to quit their arms and assemble upon the affair of the Law. In the mean time the Consuls convene the Senate; and *the Fathers* are now struck with more fear by the Tribunes than they had been by the nightly invasion of the enemy. Word is brought that the soldiers have laid down their ^{Liv. c. 17.} arms and quitted their posts. The Consul *Valerius* rushes out of the Senate-house, hastens to the Forum, expostulates with the Tribunes "on their madness in calling the People from their arms to attend to Law-making, while the enemy is over their heads. *Are you then in confederacy with Herdonius? He who could not entice our slaves to join him, has he drawn you to his party?*" Then, turning to the People, he urges them with motives from Religion, "their reverence for *Jupiter, Juno, Minerva*, all the Gods and Goddesses now prisoners to a foreign enemy, nay, in captivity to
" slaves.

Y. of R. 293. " slaves. O Father Romulus, inspire thy People with the
 Bef. J. C. 459. " same spirit which animated thee, when thou didst bravely
 50th Con- " recover the Citadel from the Sabines! Move them to
 sulship. " march in the same path, by which thou didst conduct
 " thy army! lead them on! As far as a mortal can follow
 " a God, I will be the first to follow thee and tread in thy
 " steps." He concluded with declaring, " that he then
 " call'd every Roman to arms; and that, without re-
 " gard to the bounds of the Consular Authority, or
 " the extent of the Tribunician, or the *Leges sacratæ*,
 " he would treat every Citizen who disobey'd his or-
 " ders, as an open enemy to his country. That the
 " Tribunes, who had forbid them to fight against
 " Herdonius, might, if they pleased, command them
 " to take arms against Valerius the Consul: but that
 " he should make no scruple to do by those Magistrates,
 " as the founder of his family had done by the Tar-
 " quins."

Ibid. All this was of no effect. The Bill! The Bill! Let
 us pass the Bill! Yet the Tribunes were not able to
 proceed in this affair; nor could the Consul prevail with
 the People to march to the Capitol. Night put a stop
 to the contention. During the night, fear of the arm'd
 Citizens, whom the Consuls had at their devotion,
 kept the Tribunes quiet. These out of the way, the
 Senators went diligently about among the *Plebeians*, ad-
 monishing and intreating them to consider, " into
 " what extremity of danger they brought the Repub-
 " lic. That the contest was not now between the No-
 " bles and the Commons; that both Nobles and Com-
 " mons, the Citadel, the Temples of the Gods, the
 " tutelary Gods of the State, the domestic Gods of
 " every private Citizen were just upon the point of
 " being yielded into the power of foreign enemies." While the Senators were employ'd in these attempts to
 bring the multitude to reason, the Consuls, lest the
Sabines and *Veientes* should come suddenly and attack
 the City, busied themselves in posting guards to defend
 the gates and walls. At day break a body of men ap-
 pear'd in the field advancing towards Rome. These at
 first

first could be no other than enemies, they must be the *Y. of R.*
Æqui and *Volsci*: However, to the great joy of the ^{293.}
 City, they were soon discover'd to be *Tusculans*, coming ^{Bef. J. C.}
 to the assistance of the *Romans* their allies. ^{459.}

The news of the Capitol's being surprized, and of ^{50th Con-}
 the dissensions in *Rome*, having the night before reached ^{fulshp.}
Tusculum, *Mamilius*, the chief Magistrate of the place, ^{Liv. c. 18.}
 had represented to the Council, that they could never
 hope from the Gods so fair an opportunity of obliging
 a powerful, and neighbouring State, and had per-
 suaded them to prevent all application from the *Roman*
 Senate for succour. These forces, admitted within the
 walls, march'd strait to the Forum, where *Valerius*
 (having left his Collegue to defend the gates) was draw-
 ing up his men in order, for battle. He had prevail'd
 with the *Plebeians*, (in spite of all the clamours, and re-
 monstrances of their Tribunes) to enlist themselves,
 and take the military oath, by giving them his solemn
 promise, " that the Capitol once recover'd, and the
 " City restored to quiet, if they would then suffer
 " themselves to be inform'd of the deceitfulness of the
 " Tribunes, and the mischiefs conceal'd under their
 " specious Law, he, for his part, calling to mind his
 " ancestors, and that *surname*, * together with which * *Poplicola*.
 " they had transmitted to him an hereditary concern for
 " the interests of the People, would give no disturbance
 " to the Councils held by the Commons."

And now the *Romans* and their auxiliaries, rivals for
 the glory of retaking the Capitol, briskly advanced, and
 forced their way up the hill, notwithstanding the ene-
 my's advantage of the ground. They had reached the
 Portico of the Temple, when *Valerius*, fighting in the
 foremost rank, received a mortal wound. *Volumnius*,
 a consular person, who saw him fall, instantly cover'd
 his body, took his place and his charge, and kept the
 men so warmly and intently engaged in the attack,
 that they gain'd the victory, before they perceived that
 they had lost their General. Great was the slaughter
 of the invaders, the Temple polluted with their blood,

Herdonius

Y. of R. *Herdonius* * himself slain, the prisoners punish'd suitably
 293. to their respective ranks of freemen or slaves. The
 Bef. J. C. *Tusculans*

459-
 50th Con-
 sulship.

* *Livy's* relation (brief as it is) of this adventure has been follow'd in the text. He calls *Herdonius* a *Sabine*, but says nothing of his character, his rank, or the situation of life he was in, when he undertook to seize the Capitol: or of the ultimate end he propos'd to himself in that enterprise: nor does he inform us how, or from whence, *Herdonius* collected such a number of exiles and slaves, or what made it so easy for him to possess himself in the night of the Temple and Citadel. Probably the *Latine* Historian had not sufficient light into these particulars. But *Dionysius*, who is rarely ignorant of any thing knowable or unknowable, tells us, 640, that the *Sabine Herdonius*, was a man of distinction in his own country for his birth and riches; that those who follow'd him in his undertaking were his own clients and domestics, to the number of about 4000, and that he purpos'd to destroy the *Roman* Power. However, the Historian cannot say, whether by this destruction *Herdonius* meant to make himself tyrant of *Rome*, or to subject *Rome* to the *Sabines*, or only to acquire a great name by his exploits. When he had prepared a sufficient quantity of arms, provisions, and all things necessary for the expedition, he embark'd his 4000 men on some river-boats, which gliding down the Stream of the *Tiber*, he arriv'd at *Rome* about midnight when all was quiet, landed on the bank of the river next the Capitol, and not above a furlong from it. That the gate *Carmentalis*, at the foot of the hill, being always, by the express command of an oracle, left open, he there enter'd, and silently mounting the steep ascent, seized the Temple and Fortrefs. That he hop'd, when possessed of this strong place, to be joined by the exiles, the slaves, the insolvent debtors, and all the worst part of the *Roman* populace, whose wretchedness, he thought, held them ready for any change that could be propos'd: He plac'd great confidence in the discord reigning at *Rome*, imagining that the *Plebeians* would not unite with the *Patricians* to oppose him. And in case these hopes fail'd, he resolv'd to invite to his assistance a numerous army of *Sabines* and *Volsii*, and other neighbouring nations, who would be glad of an opportunity to shake off the insupportable yoke of the *Roman* Government. *Herdonius* was disappointed in every expectation. Neither the exiles, nor the slaves, nor the debtors, nor the indigent populace of *Rome* repair'd to him. Nor had the strangers, on whose aid he so much depended, the time necessary to prepare for the war: for the whole affair was over in three or four days.

Upon this relation, given by *Dionysius*, I shall only observe, that his well born, wealthy and powerful *Sabine*, so much at his ease at home, must have been somewhat mad to embark in such an enterprise, without a previous approbation of it by the Governors of his own nation; any preparation on their part to assist him in it, or even any promise of assistance from them, or from any other of the neighbouring

Tusculans received the public thanks. The Temple of *R.* was purified: and the People are said to have cast farthings into the house of *Valerius*, in order to his more pompous funeral.

293.
Bef. J. C.
459.
50th Consulship.

bouring States; and without having any intelligence with the discontented in *Rome*. And then, for his collecting so many boats on the *Tiber* as would hold 4000 men, with the provisions necessary for their subsistence, and his stealing down the stream with his fleet, from *Sabinia* into the middle of *Rome*, without being discover'd in his passage, or till he reached the Capitol, these things are absolutely wonderful.

As to what passed in *Rome*, while *Herdonius* possessed the Capitol, the *Greek* Historian reports, p. 641. that when the *Plebeians*, at the instigation of their Tribunes, refused to arm, unless the *Terentian* Law were first enacted, the Consul *Claudius* declared, there was no need of their assistance; and exhorted the *Patricians* to march with their clients against the enemy; and if more strength were wanted, call to their aid the *Latines* and *Hernici*, or even promise liberty to the Slaves and employ them, rather than solicit succour from unworthy Citizens, who when the State was in such calamitous circumstances, revived old quarrels: but that his advice was not approved by his Colleague or the Senators, who thought it expedient to yield to the times.

That *Valerius*, to gain the multitude, swore to them, that if they behaved themselves well in the present exigence, so as to restore quiet to the City, he would suffer the Tribunes to propose the Law, and would take care, that what the People determined should be put in execution before his Consulship expired.

The *Plebeians* hereupon insist themselves readily for the war, and march with alacrity under *Valerius* to the attack of the Citadel; in describing which attack the Historian is as particular and circumstantial as if he had been there, but by his detail makes that appear impracticable, which he says was effected. See p. 642.

C H A P. XXIII.

§. I. *The Consul Claudius shews little regard to the promise given by Valerius to the Plebeians.* §. II. *L. Quinctius Cincinnatus, elected to succeed Valerius, by various arts makes the Tribunes desist from the pursuit of their Bill.* §. III. *Virginus and his Colleagues are rechosen to the Tribuneship. The Senate are for continuing Quinctius in the Consulship; but he rejects the motion with indignation.*

THE

Y. of R. §. I. ^{293.} **T**HE enterprize of *Herdonius* thus defeated, and peace restored, the Tribunes without delay call'd upon the Senators to perform what *Valerius* had promised; and they pressed *Claudius* to free the manes of his Colleague from the guilt of treachery, by suffering the People without molestation to proceed on the affair of the Law. *Claudius*, to elude this demand, insisted on the necessity of a new Consul in the place of *Valerius*, before that business could regularly be brought into debate. The time passed in disputes on this head till the month of *December*, when the *Centuriate Comitia* being held for the election, *L. Quinctius Cincinnatus*, through the indefatigable industry of the Nobles, was appointed to the consular fasces^a. It was a thunderstroke to the *Plebeians* to see themselves fallen under the government of a Magistrate of great personal merit, great credit, and highly provoked against them by their banishment of his son *Cæso*, and who had three other sons in magnanimity not inferior to *Cæso*, in prudence surpassing him.

Cincinnatus had no sooner enter'd on his office, than he began to bluster like a man angry with every body, and determined to be a severe reformer of manners. He sharply reprov'd the Senators for their meanness of spirit, and want of resolution, in suffering the same men to be continued in the Tribuneship from year to year, men who with noise and foul language lorded it over the State, as if it were some disorderly house which they kept. “Courage, constancy, every virtue

^a According to *Dionysius*, (p. 644.) *Quinctius* was at his farm, actually following the plough, and much astonish'd, when his election to the Consulship was notified to him. But it is not probable that so worthy a Patriot, living so near the City, should be less forward to assist in recovering the Capitol from *Herdonius*, than the *Tusculans*. Nor is it likely, if he came to *Rome* on that occasion, that he should be ignorant of the universal combination of the Nobles to raise him to the Consulship, or that he left the City before his election.

Livy says nothing of the plough till *Cincinnatus* is chosen Dictator.

“civil

“ civil and military was driven from *Rome* with my son *Y. of R.*
 “ *Cæso*. Bablers, sowers of sedition, reign here like ^{293.}
 “ Kings with perpetual and absolute sway. What? ^{Bef. J. C.}
 “ Did you march your Troops, (with reverence for ^{459.}
 “ *Caius Claudius* and the dead *Valerius* be it spoken) ^{50th Con-}
 “ did you march up to the Capitol, before you had ^{fulship.}
 “ clear’d the Forum of those enemies, *Virginus* and
 “ his Collegues? Did *Virginus* deserve less punishment
 “ for not being in the Capitol, than *Herdonius* for hav-
 “ ing seized it? By *Hercules*, he deserved greater.
 “ *Herdonius* declared himself your enemy; he put you
 “ upon your guard. *Virginus*, by denying there was
 “ any war, would have disarm’d you, expos’d you
 “ naked and defenceless to your slaves and exiles.
 “ What a shame in the sight of Gods and Men, that
 “ the *Tusculans* should be before us in arming for our
 “ defence; that it should be doubtful whether *Mami-*
 “ *lius* the *Tusculan* General, or our Consuls recovered
 “ the Capitol! And this is what you, Tribunes, call
 “ succouring the *Plebeians*, exposing them to be slaughter’d
 “ by the enemy! *Jupiter*, the most High, the All-
 “ good, was not worthy to be rescued, when beset by
 “ slaves and exiles; but your persons are sacred and
 “ inviolable! And do you flatter yourselves, that thus
 “ cover’d over with crimes against Gods and Men,
 “ you shall pass your Bill this year? Unfortunate was the
 “ day, when I was chosen Consul, more unfortunate
 “ than that in which *Valerius* was slain, if you even
 “ offer to prefer your Bill. But no more of that at
 “ present, I now give you notice, that my Collegue
 “ and I intend to march the Legions against the *Æqui*
 “ and *Volsci*. I know not by what fatality it so comes
 “ to pass, but the Gods are ever more favourable to us
 “ in war, than in peace.”

The Consul quite stunn’d the multitude by this me-
 nacing speech. A winter campaign was a dreadful

* From this expression it would seem that the slaves, whom *Her-*
donius commanded, were some who had run away from their *Roman*
 Masters.

Y. of R. thought. The *Patricians* began to lift up their heads ;
 293. their affairs seem'd to be upon the recovery. *Claudius*,
 Bef. J. C. who had spirit enough to join in a bold enterprize, but
 459. not the sort of courage necessary to form one, readily
 50th Con- suffer'd his Collegue to take the lead on this occasion,
 sulship. yet he talked as big as if he had been the author of the
 Livy, B. 3. measure ; he would do wonderful things, yes, he would
 c. 20. shew himself to be a Consul. The Tribunes scoffed at
 them both. " And where (*said they*) will you get the
 " army, which you are to lead into the field ? We shall
 " suffer no Levies to be made." " We need none
 (answer'd *Quinctius*.) " The troops which *Valerius* in-
 " lifted for retaking the Capitol, all swore to rendez-
 " vous at the Consul's command, and not to disband
 " themselves without his permission ; and we strictly
 " enjoin every soldier, who took that oath, to appear
 " in arms to-morrow at the Lake *Regillus*." To
 which the Tribunes replied, " That the oath did not
 " bind the soldiers to his obedience, who was then
 " only a private man." However, this evasion did not
 satisfy the consciences of the People. " That contempt
 " for the Gods, so prevalent in our age, *says Livy*, had
 " not in those days began to make its appearance.
 " Men did not by interpretations contrive to make
 " oaths and laws suit their private desires, but suited
 " their manners to their oaths and to the laws.

The Tribunes finding their cavil about the oath
 would not do, turn'd their thoughts to prevent by some
 other means, the march of the troops from the City :
 For *Quinctius* talk'd of the expediency of passing the
 whole winter in the field. And the more to terrify
 both the Commons and their Magistrates, he declared,
 and often repeated it, " that [at his return from the
 Livy, B. 3. war] he would hold no Comitia for electing Consuls :
 c. 20. " that the State was too much distemper'd to be
 " cured by ordinary remedies : that it needed a Dicta-
 " tor, who would make all disturbers of the peace feel
 " the weight of an authority from which there lay no
 " appeal."

The

The Senate were at this time assembled in the Capitol. Thither ran the Tribunes, with the *Plebeians*, all in a consternation, at their heels: The multitude with loud voices call'd out sometimes upon the Fathers, sometimes upon the Consuls to Compassionate their case. *Quinctius* would listen to no intreaties, till the Tribunes had promised to abide by what the Senate should judge fit to be done. Then he reported their petition to the Fathers, who thereupon made a Decree, "The the Tribunes should no more prefer their Bill this year, and that the Consuls should not lead an army from the City:" and the Decree declared farther, "that, in the judgment of the Senate, to continue the superior Magistrates in their office after the expiration of their year, and to re-elect the same Tribunes, were both contrary to the welfare of the Republic."

Thus were all commotions calm'd for the present; and *Quinctius*, during the remainder of his Consulship, kept things quiet by a patient, candid and equitable conduct, in hearing and deciding causes between man

^b *Livy* tells us, that what contributed to frighten the *Plebeians* into submission, was a rumour spread, "That the augurs had been directed to repair to the Lake *Regillus*, in order to consecrate a place for holding *Comitia*, where every article which had been carried at Rome in favour of the Commons by Tribunician violence would be abrogated: since the Consuls would there be masters, and the Tribunes, whose right of opposition did not extend beyond a mile from the City, would, if they came there, be upon the foot of private men."

Dionysius says nothing of this; nor does it seem probable that the People should be alarm'd with the apprehension of a design which certainly could never take place. For had it been practicable to any purpose, it would long before have been put in execution.

The only struggle in the minds of the People at this time, seems to have been between the military oath and the winter campaign; and, to the honour of the soldiers, the oath carried it; they had recourse to intreaties for avoiding the cold. Perhaps the character of *Quinctius*, and his manner of life, had no small share in bringing the *Plebeians* to submission for the present. It is observable how much more tamely they could suffer themselves to be hector'd by this plough-man Consul, than by an *Appius Claudius*.

Y. of R. and man, to which business he chiefly apply'd himself.

293.
Bef. J. C.

459.
50th Con-
sulship.

Livy, B.

3. c. 21.

But notwithstanding the Senate's Decree before mention'd, and the warm remonstrances of the Consuls, *Virginus* and his Collegues prevail'd to get themselves re-chosen by the People to the Tribuneship. The Senate, to be even with them, were for continuing *Quintus* in the Consulship [not doubting to carry his re-election in the *Comitia by Centuries*.] Never did *Quintus*, during his whole administration, exert more spirit, or express a more vehement anger than on this occasion. "Little cause to wonder, *Conscript Fathers*, that the " *Plebeians* make light of your authority! You trifle " with your own Decrees. What? Are you in com- " petition with the multitude, to try which shall sur- " pass the other in levity and inconstancy? Is this the " contest in which victory is to give the Victors the " chief power in the Republic? The headstrong mul- " titude have broken through your Decree, and there- " fore you will do the same! An excellent example " truly you have chosen to follow! For my part, I " shall not imitate the Tribunes; I will not suffer my- " self to be re-elected to my office. And I exhort you, " *Caius Claudius*, to restrain the *Roman People* from " such licentious proceedings." The Fathers, here- upon, issued an edict, " forbidding all persons to name " *Lucius Quintus* at the next elections, for one of the " Consuls; and declaring, that, if any one did, his " vote should not be admitted."

The *Comitia* being held, they gave the consular * 3d time: fasces to *Q. Fabius* * *Vibulanus*, and *L. Cornelius Maluginensis*.

Y. of R. Upon advice that the *Æqui* and *Volsci* were making great preparations for war, the new Consuls summon'd the allies to furnish their contingents of troops for the service. An army was form'd, one third *Romans*, two thirds *Latines* and *Hernici*. *Fabius* had the conduct of it, and entirely routed the enemy near *Antium*.

294.
Bef. J. C.

458.

51st Con-
sulship.

Livy, B. 3.

c. 22.

c. 23.

In the mean time a body of the *Æqui* surprized the Citadel of *Tusculum* in the night. This news, which

was

was carried first to *Rome*, and thence to the camp before *Antium*, affected the *Romans* as much as if the Capitol had been again seized. Mindful of the friendly part which the *Tusculans* had lately acted in the affair of *Herdonius*, *Fabius* with all expedition marched to their relief. The enemy, to hinder succours from coming to the City, had encamped an army not far from the walls. *Fabius* with only a part of his forces kept that army in play, sending the remainder to assist the *Tusculans* to recover their Citadel. This war lasted several months. Famine compell'd the *Æqui* to submit; and the *Tusculans* made them pass unarmed and naked under the yoke: After which the Consul pursued them in their return homeward, and cut them all off to a man. ^{Y. of R.} *Cornelius*, who had staid at *Rome* to guard it from any sudden attack, now marched the troops under his command from the City; and the two Consuls, taking different roads, invaded, plundered and laid waste the lands of the *Æqui* and *Volsci*. ^{294. Bel. J. C.} ^{458. 51st Consulship.}

At *Rome* the Tribunes complain'd that these wars were protracted meerly to keep off the affair of the Law; and they loudly declared that nothing should hinder them from going through with what they had undertaken. Nevertheless *Lucretius*, præfect of the City, prevail'd with them to defer the business till the arrival of the Consuls. The Consuls return'd from the

* According to *Dionysius*, p. 648 *Antium* revolted this year, and was subdued by *Cornelius*. And *Livy* says, that the greater number of authors report this; but that he does not find it in any of the earliest.

* *Livy* tells us, B. 3. c. 24. that at this time, a new source of civil contention arose in the Republic: that the *Quæstors* cited *M. Volscius Fistor* to trial before the People, on the charge of his having given false testimony against *Cæso*: that the Tribunes put a stop to the prosecution, refusing to let the *Comitia* be held for that trial, unless they were first held for enacting their Law, and that both these affairs were put off to the return of the Consuls: that no steps were taken with regard to either, before the Consuls of the new year had enter'd on their office: that then *Cæso's* uncle, *Titus Quinctius*, (who had been thrice Consul) and *Marcus Valerius*, men of more weight than their predecessors, were the *Quæstors*: that because *Cæso*, the glory of the

Y. of R. the war, and entered the City with their armies in
 294- triumph; and because the Tribunes now said nothing
 Bef. J. C. of
 458.
 51st Con-
 sulship.

Roman youth, could not be restored either to his family or to his country, *Quinctius*, from a spirit of justice, and from an affection for his kinsman, made war upon the false witness, who had deprived him, tho' innocent, of the liberty of pleading in his own defence. *Is quoniam neque Quinctiæ familiæ Cæso, neque reipublicæ maximus juvenum restitui posset, falsum testem, qui dicendæ causæ innoxio potestatem ademisset, justo ac pio bello persequabatur.* C. 25.

What *Livy* means to say by this I know not. For, by his own account, *Cæso* ran away to avoid a trial on *Volscius's* accusation: and, as to the crimes and misdemeanors with which the Tribunes had charged him, neither his uncle nor his own father had pretended that he was innocent. And, according to *Dionysius*, *Cæso* would not own the jurisdiction of the Court.

Notwithstanding the great weight of these Quæstors, the opposition of the Tribunes stopt the prosecution once more. But the next year, when the father of *Cæso* was Dictator, the Tribunes, intimidated by his absolute power, durst not oppose the bringing *Volscius* to trial; and he was convicted, condemn'd, and banished to *Lanuvium*. Liv. c. 29.

Dionysius says nothing of all this, nor indeed has it any shadow of probability, if, as the Greek Historian relates, *Volscius* was all the time one of the Tribunes; which, according to *Livy*, he was not.

Mr. *Vertot* has follow'd *Dionysius* in making the accuser of *Cæso* one of the Tribunes, and yet has follow'd *Livy* in representing the accuser of *Cæso* as try'd, convicted, and banish'd in that very year, when, according to *Dionysius*, p. 648. he was in his fourth Tribuneship.

Both Mr. *Vertot* and Mr. *Rollin*, founding themselves wholly on a passage in *Cicero's* Oration *pro domo sua*, relate, that in the short Dictatorship of *Quinctius Cincinnatus*, (when *Volscius* is said to have been banish'd) *CÆSO* was recalled from banishment. *Cicero's* words are these: *At verò, ut annales populi Romani, & monumenta vetustatis loquuntur, CÆSO ILLE QUINTIUS, & M. Furius Camillus, & M. Servilius Ahala, cum essent optime de Republica meriti, tamen populi incitati vim, iracundiamque subierunt, damnaque Comitii Centuriatis, cum in exilium profugissent, rursus ab eodem populo placato sunt in suam pristinam dignitatem restituti.* One would imagine from the total silence of *Livy* and *Dionysius*, as to the recalling of *Cæso*, that those *Annales* and *Monumenta*, of which *Cicero* speaks, were wholly unknown to them, or that they consider'd them as of no authority. Nor perhaps is the Orator much to be regarded, when, to serve a present turn and his own private interest, he brings precedents from ancient history of cases like his own. It is plain that neither the *Latin* nor the *Greek* Historian have taken him for their guide. But what seems decisive against the authority of *Cicero* in this instance, is his saying, that *Cæso* was condemn'd in *Comitia* by *Centuries*, which is expressly contradicted by the whole

of the Law, it was generally believed, that they were Y. of R. deterr'd from that pursuit : But in truth, a far different reason occasion'd their silence. As the year drew towards a close, they had their thoughts wholly intent on getting themselves elected a fourth time to the Tribune-ship; and, in spite of the most vigorous opposition from the Consuls, they carried their point.

Towards the end of this year the *Æqui* sued for peace, and the Senate made a treaty with them, im-
porting, that they should keep possession of the towns and lands they then held, and be exempt from paying tribute to the Republic, but, like the other allies, furnish her with as many auxiliary troops as she occasionally should require.

whole History of those times. The Tribunes did not pretend to hold *Comitia by Centuries*, and yet they held the assembly for the trial of *Cæso*. If *Cicero* be right, and *Cæso*, a young *Patrician*, was condemn'd by the *Centuries*, it will afford a strong presumption, that all the Trials of CONSULARS in the COMITIA BY TRIBES, which *Dionysius* has recorded, are mere fables.

Father *Catron*, not finding that *Cæso* was recall'd, or that any motion was made for recalling him, either when his uncle was *Quæstor*, or when his father was *Dictator*, concludes, that he was dead; or perhaps he gathers this from these words of *Livy*, *Quoniam neque Quintiæ familiæ Cæso, neque Reipublicæ restitui posset*. But there seems no need to have recourse to the supposition of *Cæso's* death, to account for his not being recall'd: for the same Tribunes who had prosecuted him were still in office, and the Bill, which had given occasion to *Cæso's* violences and misdemeanors, was still depending; and it is not to be imagined that the Tribunes would suffer his return to *Rome*, before that affair was determined. If I might have leave to conjecture, I should say, that *Cæso* was never recall'd, that he was guilty not only of the misdemeanors with which the Tribunes charged him, but likewise of the murder of which *Volscius* accused him, and that this *Volscius* did not get the surname of *Fictor* from his having given false evidence, but that false evidence was in after times imputed to him by the Historians, merely on account of his surname, which meant nothing worse than *The Potter*.

C H A P. XXIV.

§. I. L. *Quinctius Cincinnatus* is named to the *Dictatorship*; he rescues the Roman army out of extreme danger;

H 4

ger; and the 16th day after his promotion resigns his office. §. II. *The Tribunes oppose the necessary levies for a war with the Æqui. They are at length induced to wave their opposition, but do it conditionally, that the Commons may be permitted to augment the number of their Tribunes to TEN.*

Y. of R. 295.
Bef. J. C. 457.
52d Consulship.
Liv. B. 3. c. 25.
D. Hal. B. 10. p. 648, & seq.

§. I. **I**N the beginning of the new administration, of *L. Minucius* and *C. Nautius*, *Virginus* and his Collegues pressed forward the affair of the Law, to bring it to a conclusion. Yet they allow'd the Consuls two months time to consider of it, and expose to the People the mischiefs latent under it, if any such there were; after which it was to be proposed in *Comitia* and put to the vote. This concession made all quiet in the City: But the tranquillity did not last long; for the *Æqui* breaking the treaty they had made the year before, invaded and plunder'd the territory of the *Tusculans*, allies of the Roman Republic, and, loaded with spoil, retired with it to the hill *Algidus*, (about 12 miles from *Rome*) where they encamp'd. The Senate dispatch'd three Ambassadors thither to complain of the injury, and demand restitution. *Gracchus Cluilius*, General of the *Æqui*, had pitched his tent under a large oak for the sake of the shade. *There!* said he to the Ambassadors, *deliver your errand to that tree! I have other business to mind.* They return'd to *Rome* and reported the reception they had met with. Instantly the Senate order'd one of the Consuls to march against *Gracchus*, and commission'd the other to enter the frontiers of the *Æqui* and lay the country waste. The Tribunes at first obstructed the Levies, and perhaps would have continued so to do, but for a second invasion. A numerous army of *Sabines* advanced almost to the very walls of *Rome*; and the devastations they made could not patiently be endured by the People. Regardless of the dissuasions of their Tribunes, they now readily offer'd themselves for the service. Two armies were presently rais'd. The *Sabines* retired; *Nautius* marched into *Sabinia*, and did more than make reprisals on the enemy. *Minucius*, who

who led his forces against the *Æqui*, had neither the success nor the courage of his Colleague. He pitched his camp not far from the enemy, but kept close within it through fear*. When the *Æqui* perceived his cowardice, it gave them the boldness to attack his camp in the night; but they found it too strong to be forced. The next day therefore they drew lines about it, in order to starve their enemies into a surrender at discretion. Before the *Romans* were quite enclosed, five horsemen found means to make their way through the quarters of the *Æqui*, and carried the news to *Rome*. *Quintus Fabius*, Governor of the City, immediately dispatch'd a messenger to the Consul *Nautius*, to inform him of the distress his Colleague was in. *Nautius* leaving his army to the care of his Lieutenants repair'd to *Rome* in all haste. He arrived there in the night, and without delay had a conference with the chief of the Senate, who all agreed to have recourse to the usual expedient in great exigencies, a Dictator: whereupon the Consul, with universal approbation, named *L. Quinctius Cincinnatus* to that important dignity, and then return'd to his army.

The persons, deputed to give *Quinctius* notice of his nomination to the Dictatorship, found him busily employ'd about his farm, either following the plough, or digging a ditch. After the common mutual salutations they desired him to put on his gown, and hear their commission to him from the Senate. *What is the business*, said *Quinctius* in surprize, *Is all well?* Then, turning to his wife who was in the field with him, *RACILIA*, *Go fetch my gown. Make haste.* The dust and sweat wiped from his face, and the gown put on, the deputies strait saluted him DICTATOR, invited him to *Rome*, and inform'd him of the perillous condition of the army. A barge belonging to the public was ready to convey him to the City. His three sons, his

* *Dionysius* says nothing of the cowardice of *Minucius*, but represents him as rashly pursuing the enemy, who, by artfully retreating before him, drew him into a disadvantageous situation, and then block'd him up in his camp.

other

Y. of R. other relations and friends, and the greater part of the
 295. Senate recieved him at his landing. With this atten-
 Bef. J. C. dance, and with four and twenty Lictors walking be-
 457. fore him, he was conducted to his house. Crowds of
 52d Con- *Plebeians* likewise put themselves in his train, but they
 fulship. were not very glad to see him; for they thought him
 cloath'd with too much power, and fear'd the use he
 might make of it. They kept watch all that night.

Quinctius the next morning, before day-break, went to the Forum, and there named, for his *General of the Horse*, *L. Tarquinius*, a *Patrician* of distinguish'd bravery, but who, being too poor to keep a horse, had till then never served but in the infantry. Thus all the hopes of the Republic lay in an old man, called from the plough to command in chief, and a foot-soldier, raised to be *General of the Horse*.

The Dictator, by proclamation, order'd a suspension of all process in the courts of justice, the shops to be shut up, and all the Citizens, able to bear arms, to be before sun set in the *field of Mars*, each with five days provisions, and twelve stakes for a palisade. Whoever through age was disqualified for the service, was to dress the provisions for the soldier who lived nearest him, while he furnish'd himself with the stakes and got ready his arms.

All these commands punctually executed, and the forces drawn up in good order, not only for marching, but fighting, if need should require, the Dictator, at the head of the Infantry, and *Tarquinius*, at the head of the Cavalry, led forth the army. No alacrity was wanting either in the commanders, or their men. "Quickened your pace, soldiers, said the leaders, let us come up with them this very night. Expedition! a Roman Consul and his army besieged! three days invested! who knows what may happen in a day or a night? A single moment often decides in great events." The Generals had the pleasure to hear the soldiers, and those who bore the colours, mutually call upon each other, *Faster, Ensign! — Soldiers keep up!* And thus by midnight they reached the *Algidus*.

Quinctius

Quinctius made a halt, as soon as he perceived Y. of R. he was near the enemy. And when, by riding about, he had taken such a view of their camp as the obscurity of the night would permit, he order'd his men to heap all the baggage together in one place, and then return into their ranks with the stakes they had brought from *Rome*. This done he extended his forces and invested the camp on his side of it: after which, on an appointed signal given, the soldiers all together gave a shout, and then fell every man to work to cut a trench before him and plant his stakes. The shout reached beyond the camp of the *Æqui* to that of the Consul. Sudden terror seized the one, universal joy the other. Nothing among the *Roman* soldiers but mutual congratulations on the arrival of succour. "No time to be lost!" cried *Minutius*. Not only succour is come, but our fellow Citizens are actually in conflict with the enemy. I know it by the shout. To arms, to arms, Follow me, soldiers." Out sallied the legions to action, and by their shouts gave notice of it to the Dictator. The *Æqui* were just going to make an effort to interrupt the works the Dictator had begun, when the alarm from the other side obliged them to turn their chief strength that way, lest the Consul should break through their camp. His attack kept them in play till the morning, so that *Quinctius* had the rest of the night free to go on with his fortification. Having finish'd it by day break, he strait led out his forces to assault that of the enemy. A new conflict began; the former continued. The *Æqui*, now pressed on both sides, hopeless of defending themselves, hopeless of relief, ceased the fight, and had recourse to supplications. They begg'd of the Dictator, they begg'd of the Consul, not to place victory in slaughter, but to suffer them to go off disarm'd. The Consul referr'd them to the Dictator. *Quinctius* contemptuously answer'd them, that "he did not want their blood, he would let them go; but that, by passing under the yoke, they should at length make confession, that the *Æqui* were a conquered People. But first, said he, send me hither

" in

Y. of R. " in chains your General *Gracchus*, and ten other of
 295. " your principal officers [with these he meant to adorn
 Bef. J. C. " his triumph] and you shall evacuate the City of *Cor-*
 457. " *bio*." All was submitted to.

52d Con- The Dictator gave the ^b plunder of the enemy's
 iulstip. camp to the soldiers he had brought with him from
Livy, B. 3. *Rome*, not suffering those of the Consul to take any
 c. 29 & D. part of it. " You, soldiers, *said he*, who were just go-
 H. B. 10. ing to fall a prey to our enemies, you shall have no
 p. 65a. " share of their spoils." Then, turning to the Consul,
 " And you, *Minucius*, till you begin to have the spirit
 " of a Consul, shall command these legions in quality
 " only of a Lieutenant General." *Minucius* abdicated
 the Consulship, and, in obedience to order, continued
 with the army. Such respect, such ready submission
 to superior merit, and superior authority, were paid in
 those days, that the consular troops, less affected with
 the disgrace they suffer'd, than with the benefit they
 had received, decreed to the Dictator a golden crown
 of a pound weight, and at his departure saluted him by
 the title of *their Patron*.

Quinctius return'd to *Rome* and had there a magnifi-
 cent triumph; after which, tho' he might have retain'd
 his High Office six months, he resign'd in the sixteenth
^d day from his promotion to it.

Livy, ibid. In the end of the year the Tribunes began to stir
 again in the affair of *the Law*: but as two armies were

^b *Dionysius* reports, (p. 652.) that *Quinctius*, after plundering *Corbio*,
 caused the most valuable part of the enemy's spoils to be convey'd to
Rome, giving the remainder only to his soldiers, and that the Senate
 would have enrich'd him out of the booty; but that he declined the
 offer, and chose rather to owe his subsistence to the labour of his
 hands.

^c According to *Livy*. *Quintus Fabius* was soon after sent from *Rome*
 to succeed *Minucius* in the command of the army.

^d The reader will observe that *Quinctius* defeated the *Æqui*, and
 took their camp the third day from his nomination to the Dictator-
 ship. The greater part of the remainder of the 16 days, we may
 suppose, was spent in taking possession of *Corbio*, plundering it, and
 placing a garrison there. This, according to *Dionysius*, p. 651. was
 done by way of revenging the ill treatment which the *Tusculans* had
 suffer'd from the *Æqui*.

absent

absent (for the Consul *Nautius* made war against the Y. of R. *Sabines*) the Senate carried it, that no Bill should be ^{295.} preferr'd to the People; nevertheless in the election of ^{Bef. J. C.} Tribunes, the Commons prevail'd to have the same ^{457.} men, who had held the Tribuneship four years suc- ^{52d Con-} cessively, appointed a fifth time to that office. ^{fulship.}

§. II. THE consular fasces were transferr'd to C. ^{D. Hal. B.} *Horatius*, and Q. *Minucius*. In the beginning of their ^{10. p. 652,} administration, they had nothing to do abroad; but ^{8th seq.} the Tribunes, with their Bill, found them sufficient ^{Livy, B. 3.} employment at home; yet it was not long before the ^{c. 30.} dispute on this head gave place to another: for news came, that the *Æqui* had in the night surpris'd the *Roman* garrison of *Corbio*, and taken the place by assault. The Senate without delay order'd an army to be rais'd, and led to the *Algidus*. *No Levies!* said the Tribunes; "The Bill is the important point, the business that must be first settled." Neither Consuls nor Senate would hear of the Bill. Both sides continued obstinate, till a second alarm was given from abroad. The *Sabines* made an incursion into the *Roman* territory, and advanced almost to the City walls. The Tribunes then seeing a necessity of arming, began to treat with the Senate. As they had been constantly baffled, tho' in office five years successively, they judg'd, that it was for want of a sufficient number in their college, and therefore resolv'd to seize the present occasion to get it augmented. "On one condition, *said they*, we shall consent to your ^{D. Hal. p.} raising troops. The thing will be of little conse- ^{656.}

* *Dionysius* p. 654. reports, that when the tribunes were obstinate in opposing the Levies, all the Senators, by the advice of *Quintius Cincinnatus*, took arms and repair'd to the Forum, *determined to march out* (supported only by their clients and adherents) against the enemy; that even the oldest of the Fathers appear'd in armour, but *wept* and look'd so piteously, that the spectacle drew tears in abundance from the multitude: and a most ridiculous scene of affliction the Historian p. 655. most gravely makes of it. He adds, that the Tribunes seeing the People so melted, and fearing that they should not be able to hinder the [weeping] *Plebeians* from following the [weeping] *Patricians* to the war, began then to covenant for an augmentation of the College, &c.

" quence

Y. of R. 296. " quence to you, and will please the Commons very
 Bef. J. C. 456. " much ; perhaps make them easy as to all their other
 53d Con- " demands. Allow them to have, for the future, TEN
 sulship. " Tribunes, instead of only five."

In the debates of the Senate on this motion, *Caius Claudius* opposed it with great warmth. He said, " that to grant the Commons more Tribunes would have no good effect upon them, it would only make them more untractable and insolent. The partition of the lands, *Terentius's* Bill, and every project for diminishing the authority of the Senate, and increasing the power of the People, would presently be revived : and in short, that an augmentation of the number of Tribunes would have the worst consequences imaginable." But *Quintilius Cincinnatus*, whose judgment had greater weight with the Senate than that of *Claudius*, considered the matter in a different light, and was of opinion, that what the *Plébeians* sued for as a favour, would turn to their disadvantage when obtain'd ; because it would be easier to sow division among Ten Tribunes than among five, and he therefore exhorted *the Fathers* to a concession. His advice prevail'd. The request was granted, but conditionally, that the Tribunes^b then in office should not be rechosen. To this the petitioners agreed, and held the *Comitia* immediately for the nomination of *Ten Tribunes*, as having learnt by experience, that they might meet with a disappointment, should they put off the election to the end of the war. Two out of each of the five first Classes were chosen ; a method observed ever after.

D. Hal. p. 657. The commotion thus quieted, troops were raised.
 Liv. c. 30. *Minucius* marched to attack the *Sabines*, but found no enemy in the field. *Horatius* defeated the *Æqui*, and retook *Corbio*.

^b *Livy's* words seem to make the condition general, that the Commons should never, for the future, chuse the same men twice to the Tribuneship, *ne postea eorū Tribunos juberent*. If this was the condition, the People did not observe it, as we shall presently see.

The increase of the number of Tribunes to ten was 36 years after the erection of the Tribuneship.

C H A P

C H A P. XXV.

§. I. *The Tribunes make a new demand in favour of the People; and the Senate, after some struggle, comply.*

§. II. *The Consuls, by an imprudent severity in levying soldiers, give occasion to an unprecedented insult upon their dignity from the Tribunes.*

§. III. *The Agrarian and Terentian Laws are proposed anew. Sicinius Dentatus, an old soldier, makes a notable speech in relation to the former. The Patricians by violence binder the suffrages from being collected.*

§. IV. *The Consuls lead an army into the field against the Æqui. They order Sicinnius Dentatus, at the head of 800 Veterans, upon a desperate enterprize. He remonstrates against it, but obeys, and succeeds so well, as to occasion the total defeat of the enemy by the Consuls. At his return to Rome he prevails with the People to refuse them a triumph; and they are condemn'd the next year in a fine for misconduct.*

§. I. **I**N the Consulship of *M. Valerius* and *Sp. Virginius*, the Tribunes demanded that mount *Aventine* should be granted to the People, or at least those parts of it which were not occupied by lawful purchasers. *L. Icilius*, the head of the college, set forth, that the land of that hill belonged to the Republic; that some *Patricians* had indeed purchased certain parcels of it, but others had got possession of what they enjoy'd by mere usurpation, and that the remaining part of it was uncultivated and uninhabited. He proposed therefore, that those *Patricians*, who could shew good claims to what they possessed, should be confirmed in their possessions; but that those, who had built houses upon the hill, without lawful title to the ground, should be outed, previously reimbursed however what they had expended in building those houses; and lastly, that all the land uncultivated, or unoccupied by rightful owners, should be given *gratis* to the Commons, who growing daily more numerous began to want habitations.

There

Y. of R. 297. There could be no plausible objection to this propo-
 Bef. J. C. 455. fal, and it was a matter of small importance to the
 54th Con- sultship. Nobles; yet the Consuls, apprehending, perhaps, that
 from such a partition of mount *Aventine*, the *Plebeians*
 might take occasion to renew their old pretensions upon
 the conquered lands, deferr'd convening the *Fathers*,
 whom the Tribunes had desired to consider of the
 matter, and then refer it to the People. *Scilius* impa-
 tient of this delay, sent a command to the Consuls by
 an apparitor, to assemble the Senate forthwith. The
 apparitor met with a rough reception. A lictor by the
 Consuls orders gave him some blows, and drove him
 away ignominiously. A mighty uproar ensued. *Scilius*
 caused the lictor to be seized, and was for having him
 thrown headlong from the *Tarpeian* rock. The Con-
 suls not daring to employ violence to rescue him out of
 the hands of the sacrosanct Tribunes, endeavoured to
 gain over some one of them, who might put a stop to the
 fury of his Colleague: But *Scilius* had before taken mea-
 sures to defeat that artifice. He had so warmly repre-
 sented to his Brethren, that the strength of their Col-
 lege lay wholly in their union, that they had agreed,
 no one among them should oppose what was determined
 by plurality of voices. Thus the poor Lictor saw him-
 self just upon the point of losing his life, for having
 obeyed the orders of the Consuls too punctually. To
 save him, the *Conscript Fathers* had recourse to intreat-
 ies; and they seem to have been constrain'd to a com-
 position with the Tribunes: These released the Lictor,
 and the Senate, by a Decree, yielded mount *Aven-
 tine* to the People; a concession of small importance,
 as was before observed; yet the measures, used to ob-
 tain it, made a very great breach in the consular autho-
 rity: for the Tribunes kept themselves ever after in
 possession of the new prerogative, assumed by *Scilius* and
 his Collegues, of convening the Senate.

Y. of R. 298. §. II. THE next year *T. Romilius* and *C. Veturia*
 Bef. J. C. 454. were Consuls. These Magistrates apprehending that
 55th Con- sultship. the present quiet in the City would soon be disturbed,
 unless the Republic had a war abroad, resolved to lead
 out

out an army against the *Æqui*.^a But this their policy they themselves defeated, by the unseasonable rigour with which they proceeded in the inrollments. They admitted of no excuses, how allowable soever, and condemn'd to heavy fines or imprisonment, all those who refused to enlist themselves for the war. *Scipio* and his Collegues (who had been continued in the Tribuneship at the new elections) did not fail to take the part of the complainants, and, when they found that words were ineffectual, endeavour'd by force to rescue the prisoners out of the hands of the *Lictors*; they even went so far in their fury as to bid the *Ædiles* lay hold on the Consuls and lead them to prison. The *Patricians* all united as one man to defend the supreme Magistrates; blows ensued; and, for this time, the Consuls got the better in the scuffle; the Tribunes were routed and roughly treated. But the triumph of the Nobles was of short duration. The next day, and the following, great numbers of *Plebeians* flock'd from the Country to the City; and the Tribunes then finding themselves in a condition to deal with their adversaries, held frequent councils, to which they complain'd most heavily of the insults they had suffer'd; protesting at the same time, that they would lay down their office if they could not be supported in the exercise of it. And now, encouraged by the Commons, who with great warmth enter'd into their Magistrates' resentments, they made no scruple to send a summons to the Consuls to appear before an *Assembly of the People*, and answer for their conduct; the first instance of citing the superior Magistrates to trial, during their Magistracy.

The Consuls refusing to listen to the summons, away went the Tribunes to the Senate, then sitting in debate on these matters, and having first in a plaintive tone set forth, "the violence which had been done to their sacred

^a According to *Livy*, B. 2. c. 31. it was to succour those affectionate friends of *Rome*, the *Tusculans* (whose territory the *Æqui* had invaded) that the Consuls began to raise an army. And this accounts for the Tribunes not opposing the Levies, but only the unreasonable severity of the Consuls in making them.

Y. of R. " persons, by the Consuls or their adherents," demand-
 293. ed peremptorily, " that those Magistrates might either
 Bef. J. C. " clear themselves by oath from having had any hand
 454- " in that violence, or, if they scrupled to take such oath,
 55th Con- " appear in judgment before the people;" and they ad-
 sulship. ded, " that for their parts, they would take the votes of
 " the Tribes upon the affair."

In answer to all this, the Consuls reproached the Tri-
 bunes " with having been the aggressors, and with hav-
 " ing carried their insolence to such excess, as first to
 " attempt imprisoning the sovereign Magistrates of the
 " State, and afterwards, when they fail'd in that, to
 " cite them to appear in judgment before an *Assembly* of
 " the People; tho' by Law they had no right to summon
 " thither even the most inconsiderable of the *Patricians*,
 " without a previous *Senatus Consultum* for that purpose."
 D. Hal. And they declared, " that if the Tribunes were so au-
 p. 661. dacious as to proceed toward collecting the votes of
 " the People, they would arm the whole body of the
 " *Patricians*."

These mutual reproaches and menaces lasted the
 whole day; and the Senate thinking it equally danger-
 ous to declare either for the Consuls, or the Tribunes,
 came to no resolution.

§. III. THE Tribunes, finding that nothing was to
 be expected from *the Fathers*, call'd the People toge-
 ther, to deliberate on the proper measures to be taken.

The most turbulent and hot-headed were for retiring
 in arms a second time to the *Mons Sacer*, and thence
 declaring open war against the *Patricians*, for having
 broken the treaty which had there been made.

Others, more in number, judg'd it not adviseable to
 leave the City, nor equitable to impute to the whole
 body of the Nobles, the violences which some particu-
 lars had acted against the sacred persons of the Tri-
 bunes; provided that strict justice were done upon the
 guilty, who had incurr'd the penalty of death or exile,
 [and might be punish'd according to Law, without any
 previous process.]

Others, again, more moderate, declared against put-
 ting

ting any Citizen to death, before trial and condemnation in legal form, and especially, when the question was concerning the Consuls, the supreme Magistrates of the Republic: but they counsell'd the assembly to discharge their wrath on those who had aided the Consuls, and to punish them according to the utmost rigour of the Laws.

Y. of R.
298.
Bef. J. C.
454.
55th Cons.
fullship.

As nothing could be immediately agreed upon, a little time diminish'd the fury of the Tribunes, and at length the conclusion was, that the third market day they would hold an assembly, to condemn the Consuls in a pecuniary fine. However, before the 27 days were quite expired, they changed their mind; and having assembled the People, declared, that at the intreaty of several worthy men, to whom it was not easy to refuse any thing, they were willing to forgive the personal injuries they themselves had suffer'd, but could never pardon those which had been done to the People, and would therefore instantly renew the prosecution of those two important affairs, the *Agrarian* and *Terentian* Laws, the publication of which had been so long postponed by the artifices of the *Patricians*. This said, they fixed a day for a new Assembly to deliberate and decide upon those matters.

The People being met at the time appointed, *Scipio* ^{D. Hal.} began with proposing the *Agrarian* Law; and when he had himself made a long harangue on the reasonableness of it, notified, that any *Plebeian* present might speak his mind freely. Upon this several stood forth successively, pleaded the right their services gave them to a share of the conquered lands, and were all heard with pleasure. But nothing so much quickened the zeal of the Assembly in behalf of the Law, as the discourse of * *Sicinius Dentatus*, a *Plebeian*, who had serv'd long, and distinguished himself by his exploits in the Wars. He was a man of a noble aspect, and, tho' now 58 years of age, in his full strength of body as well as mind. With a soldiery eloquence he spoke to this Effect: "It is now forty years that I have borne arms, and for the thirty last I have been always in some command or other. I

P. 662.

* *Sicinius*,
according
to *Livy*.

Y. of R. " have been in a hundred and twenty engagements.
 298. " I have received forty-five wounds and all before,
 Bef. J. C. " twelve of them in that single action against *Herdonius*
 454. " the *Sabine* *. Fourteen civic crowns I obtained for
 55th Con- " having

* p. 663.
 & seq.

* Of the military rewards in use among the *Romans*, Mr. *Kennet* [Part 2. Book 4. Chap 16.] speak thus:

The encouragements of valour and industry, were much more considerable than the proceedings against the contrary vices. The most considerable (not to speak of the promotion from one station to another, nor of the occasional *donatives* in money, distinguished by this name from the largesses bestowed on the common people, and termed *Cangiaris*) were first the *dona imperatoria*, such as

The *hasta pura*, a fine spear of wood without any iron on it; such a one as *Virgil* has given *Sylvius* in the sixth of the *Æneids*.

Ille, vides? purâ juvenis qui nititur hastâ.

This present was usually bestowed on him, who in some little skirmish had killed an enemy, engaging him hand to hand. They were reckoned very honourable gifts, and the Gods are commonly represented with such spears, on the old coins. Mr. *Walker* derives hence the custom of our great Officers carrying white rods or staves, as ensigns of their places.

The *armilla*, a sort of bracelets, given upon account of some eminent service, only to such as were born *Romans*.

The *torques*, golden and silver collars, wreathed with curious art and beauty. *Pliny* attributes the golden collars to the auxiliaries, and the silver to the *Roman* soldiers; but this is supposed to be a mistake.

The *phalera*, commonly thought to be a suit of rich trappings for a horse; but because we find them bestow'd on the foot as well as the cavalry, we may rather suppose them to have been golden chains, of like nature with the *torques*, only that they seem to have hung down to the breast; whereas the others only went round the neck. The hopes of these two last are particularly urged, among the advantages of a military life by *Juvenal*, Sat. xvi. 60.

Ut læti phaleris omnes, & torquibus omnes.

The *vexilla*, a sort of banners of different colours, worked in silk or other curious materials, such as *Augustus* bestowed on *Agrippa*, after he had won the sea-fight at *Actium*.

Next to these were the several coronets, received on various occasions. As,

Corona civica, given to any soldier who had saved the life of a *Roman* citizen in an engagement. This was reckoned more honourable than any other crown, tho' composed of no better materials than oak-
 ea boughs. *Virgil* calls it *civilis querou*. *Æn.* vi. 772. . . .

Atque

“ having saved the lives of so many Citizens in battle; Y. of R.
 “ three 298.
 Bef. J. C.

Atque umbrata gerunt civili tempora quercu.

454.
 55th Consulship.

Plutarch has guess'd very happily at the reason why the branches of this tree should be made use of before all others. For the oaken wreath, saith he, being otherwise sacred to *Jupiter*, the great guardian of their city, they might therefore think it the most proper ornament for him who had preserved a citizen. Besides, the oak may very well claim the preference in this case, because in the primitive times, that tree alone was thought almost sufficient for the preserving of man's life: Its acorns were the principal diet of the old mortals, and the honey which was commonly found there, presented them with a very pleasant * liquor.

It was a particular honour conferr'd on the persons, who had merited this crown, that when they came to any of the publick shows, the whole company, as well Senate as People, should signify their respect, by rising up when they saw them enter; and that they should take their seat on these occasions among the Senators; being also excused from all troublesome duties and services in their own persons, and procuring the same immunity for their father and grandfather by his † side.

Corona muralis, given to him who first scaled the walls of a city in a general assault; and therefore in the shape of it there was some allusion made to the figure of a wall.

Corona castrensis, or *vallaris*, the reward of him who had first forced the enemy's intrenchments.

Corona navalis, bestowed on such as had signalized their valour in an engagement at sea; being set round with figures like the beaks of ships.

—Cui bellū inſigne ſuperbum
 Tempora navali fulgent roſtrata Coronā.

Virg. *Æn.* viii. 684.

Lipsius fancies the *corona navalis*, and the *rostrata*, to have been two distinct Species, though they are generally believed to be the same kind of crown.

Corona obſidionalis: This was not, like the rest, given by the General to the soldiers, but presented by the common consent of the soldiers to the General, when he had delivered the *Romans* or their allies from a siege. It was composed of the grass growing in the besieged place.

Corona triumphalis, made with wreaths of laurel, and proper only to such Generals as had the honour of a triumph. In after-ages this was changed for ‡ gold, and not only restrained to those that actually triumphed, but presented on several other accounts, as commonly by

* Vide *Plutarch* in *Coriolano*. † Vide *Plin.* lib. 16. cap. 4. ‡ *Aurum Coronarium*.

Y. of R. 298. " three mural crowns for having been the first that
 Ref. J. C. " mounted the breach in towns taken by assault; one
 454-55th Con- " obsidional crown; eight other crowns for different
 sulship. " exploits; eighty-three golden collars, sixty golden
 " bracelets, eighteen lances (*hasta pura*), twenty-five
 " sets of furniture for horses, nine of which I won
 " from so many enemies conquered in single combat.
 " —And now, *Romans*, you know my services,
 " and you have heard what have been the rewards of
 " them, rewards that sufficiently prove my courage,
 " but make little addition to my fortune. No land,
 " no share in the conquered countries. Neither *Sici-*
 " *nius*, nor any of you *Plebeians*, the companions of
 " my labours and my glory, are to reap the least bene-
 " fit from those acquisitions. The *Patricians*, it seems,
 " by their noble birth, have an inherent right to all
 " the public demesnes. No matter whether they have
 " any merit or not. But is this to be endured? Shall
 " they alone enjoy the fruits of our conquests? The
 " purchase of our blood? No, *Plebeians*, let us delay
 " no longer to do ourselves justice. Without so much
 " as hearing what the usurpers have to say against it,
 " let us this very day pass the Law proposed by *Scilius*.
 " If the young *Patricians* have the Boldness to oppose
 " by violence the collecting of the votes, let our Tri-
 " bunes make them feel what is the extent of their
 " Authority."

Sicinius having thus closed, *Scilius* highly commended both the speaker and his speech, yet added, that in one thing he must differ from him; for that the People could neither in justice nor in prudence refuse to hear

the foreign states and provinces to their patrons and benefactors. Several of the other crowns too are thought to have been of gold, as the *castrensis*, the *mural*, and the *naval*.

Besides these, we meet with the *corona aurea*, often bestowed on soldiers without any other additional term. And *Dion Cassius* mentions a particular sort of coronet made of olive boughs, and bestowed, like the rest, in consideration of some signal act of valour. *Lipsius* believes these to have succeeded in the room of the golden crowns after they were laid aside.

what

what the *Patricians* had to say against the Law; and so he adjourned the Assembly to the day following.

§. IV. THE Consuls during great part of the night held conference with the chief men of the Senate, on measures to frustrate the designs of the Tribune. No expedient offered itself, but the old method; which was, forcibly to hinder the People from proceeding to vote.

The next morning, the Assembly being formed, the Tribunes caused proclamation to be made, that whoever had any solid reasons to offer against the Law, might, if they pleased, lay them before the People. Divers Senators presented themselves one after another; but the moment they began to speak, such a noise arose from all parts of the *Comitium*, some applauding, others hooting, as made it impossible to hear what was said. The Consuls, full of indignation, protested warmly against all that should be done in so tumultuous an Assembly: To which the Tribunes answered, that it was no wonder the People should be tired with hearing the same trite and frivolous objections so often repeated. When a great part of the day had been spent in such altercations, the Multitude quite weary of them, called out, *To the Vote*. In that instant the *Patricians*, who, in small companies, had posted themselves in almost all parts of the *Comitium*, fell all at once upon the *Plebeians*, and by blows and main force hindered them from gathering into their respective tribes. The Tribunes exclaim, break through the press, hasten to assist the *Plebeians*, and rectify the disorder. Vain are their efforts; their own sacred persons are suffered safely to pass whithersoever they please; but, their followers being stopped by the *Patricians*, they can do nothing, their measures are disconcerted, they are forced to retire.

They convened the People again the next Day, and made their complaints. Most of the young *Patricians* had been concerned in raising the tumult; but as it was impracticable to punish all the guilty, only the youth of the *Posthumian*, *Sempronian*, and *Celian* families

Y. of R. milies were singled out for prosecution; and cited to
 298. appear before an *Assembly of the People*.

Bef. J. C. The best heads in the Senate having consulted to-
 454- gether on this occasion, and knowing that the Tribunes
 55th Con- had determined to inflict no severer punishment on the
 sulship. criminals than the confiscation of their effects, thought
 it adviseable to acquiesce, not only because they could
 easily repair the loss to the sufferers, but because they
 hoped that the multitude, satisfied with this revenge,
 would drop their pursuit of the Law. When the day
 came for the trial, the persons accused not appearing,
 were condemned for default; their goods were after-
 wards sold publickly, and the produce consecrated to
Ceres. The Senate caused those goods to be bought
 up with their money by private Hands, and shortly
 after restored them to the former Proprietors.

D. Hal. §. V. IT was not very long before the Tribunes
 B. 10. p. brought on again the affair of the Law for a *Partition*
 668. *of the Lands*. But their proceedings were now inter-
 rupted by sudden advice, that the *Æqui* had invaded
 the territory of *Tusculum*, and threatned the Town.
 The Senate without delay ordered an army to the
 relief of those dear Allies, the *Tusculans*; nor could
 the Tribunes divert the *Plebeians* from offering them-
 selves to serve in this war. Even *Sicinius Dentatus*, that
 zealous advocate for the *Agrarian Law*, presented
 himself a voluntier with 800 veterans, who, like him-
 self, had compleated the years of service prescribed by
 Law, but yet were willing to make another campaign
 under the particular command of *Sicinius*, to whom
 they had, most of them, personal obligations.

The army marched from *Rome*, and advanced to-
 wards the *Algidus*, the usual haunt of the *Æqui*, and
 whither they had retired on the news of the Consuls
 approach. These Generals having found the enemy

^b According to *Dionysius* the scene of action was near the city of *Antium*. But there is probably an error in the Copy; it should be the city of *Algidum*, which stood upon mount *Algidus*. *Livy* says the *Æqui* were posted on the *Algidus*; and this was in the neighbourhood of the *Tusculans*.

intrenched

intrenched on the hill, pitched their camp not far from ^{Y. of R.} them, fortified it well, and kept close within it, to ^{298.} conceal their strength, which was very considerable. ^{Bef. J. C.} The *Æqui* took these precautions for a sign of fear, ^{454.} and imagining the number of the *Romans* to be small, ^{55th Con-} made several attempts to bring them to an engage- ^{fulship.} ment. One day when *Romilius* commanded in chief, ^{D. Hal.} and the *Æqui* descending from their hill offered him ^{B. 10.} battle, he resolved to accept the challenge. With ^{p. 669.} this view he sent for *Sicinius Dentatus*, and said to 'him, " My Colleague and I intend to march against the enemy in the plain, and in the mean time I would have you, with the cohort under your command, ascend by yon narrow winding way to the top of the hill, and attack their entrenchments. They have undoubtedly left but a weak garrison there, and your brave veterans will easily make themselves masters of the camp. If the *Æqui* here below, to preserve it, quit the plain, we shall then fall upon their rear, and their destruction will be inevitable." *Sicinius* answered, " I am always ready to obey orders. But give me leave to say, that the execution of what you now command is not so easy as you seem to imagine it. The hill is very high and steep, and I see but one way up to it. We shall no sooner be engaged in that narrow pass, but the enemy will infallibly pour down upon us; and how shall I be able, with my body of veterans alone, to sustain their charge from the higher ground? You are willing to suppose that the guard of the camp is weak. There is no probability of this; and, even granting it certain, their very situation alone gives them such an advantage over us, that we shall never be able to force them."

Sicinius was going on with his remonstrance, when ^{p. 670.} the Consul in great anger cut him short; bidding him not pretend to act the General, but remember his only business was to obey. He added, " but if you think there is too much danger in the enterprize, I shall employ some other Officer, who, less conceited of
" his

Y. of R. 298. " his own abilities, may succeed better. And you,
 Bef. J. C. 454. " mighty Captain, you that have followed the wars
 55th Con- " forty years, that have been in an hundred and
 sulship. " twenty battles, and whose whole body is covered o-
 " ver with wounds, do you return to *Rome* without
 " having dared to face the enemy, and carry back to
 " the *Forum* that eloquent tongue, which is more for-
 " midable to your fellow-citizens, than your sword is
 " to the *Æqui*, and the enemies of your country.

Sicinius irritated by the General's reproaches, answered him boldly, that he found he was resolved either to destroy an old soldier, or to shame him, and for no other reason but his honest zeal for the public liberty; but that one was much easier to do than the other; that he would march up to the enemy's camp, and win it, or fall in the attempt with all his cohort. These veterans then took their leave of the rest of the soldiers, who looked after them, with weeping eyes, as after men sent to the slaughter. Happily for them they were under the conduct of an old Officer who understood his trade. *Sicinius* went round about a tedious way, and at length entered a great wood that seemed to stretch along the hills quite to the enemy's camp. Here having halted a moment, " Cheer up,
 " my lads; either I am much mistaken, or I shall find
 " some path that will lead us more safely to the enemy's
 " camp than that which our General pointed out, and
 " by which we could not have approached it without
 " being seen." He then continued his march, and soon after met with a peasant, who, serving him for a guide, conducted him at length to an eminence that overlooked the camp, and was not far from it.

D. Hal.
 B. 16.
 P. 671.

During this march the two armies came to an engagement in the plain. They fought a great while with equal courage, and victory did not declare for either side. The soldiers in the camp of the *Æqui*, not apprehending any danger from behind, were all got to the side next the plain to see the fight. In this juncture *Sicinius* arrived on the other side, and finding it without Centinels, and quite defenceless, entered the
 camp

camp at once. Then the veterans giving a loud shout ^{Y. of R.} fell upon the *Æqui*, whose eyes were turned another ^{298.} way. The sudden fright which seized the latter made ^{Ref. J. C.} them imagine their enemies to be much more nume- ^{454.} rous than they were; so that without staying to gather ^{55th Con-} up their arms, all that could fled out of the camp, and ^{sulship.} ran precipitately down to the main body of their army, carrying fear and confusion along with them. *Sicinius* followed them close, and came thundering upon the rear of that main body, engaged in battle with the *Roman* army. The *Æqui* broken and put to flight, lost 7000 men, the Consuls not giving over the pursuit 'till night.

As soon as it was dark, and the action quite over, *Sicinius* retired with his veterans to the camp he had before taken. He had not lost one man, nor of the whole number was there one who had received a wound. With mutual embraces they congratulated each other on their good fortune, and all joined in heaping praises on their commander. About mid-^{D. Hal.} night *Sicinius*, full of resentment against the Consuls, ^{p. 672.} formed a resolution to hinder them, if possible, from having the honours of a triumph, at their return to *Rome*. His companions, to whom he imparted his design, having unanimously approved it, they cut the Throats of the prisoners, killed the horses, set fire to the tents, the arms, and all the baggage, (including the rich plunder which the *Æqui* had got in the territory of *Tusculum*) leaving none of those marks of victory which were required from a General when he demanded the TRIUMPH. He then marched away with extreme diligence, arrived at *Rome* with his cohort, and there gave an account to the People of what had passed, complaining of the inhumanity of the Consuls, who, he said, had maliciously exposed eight hundred veterans to death, in all likelihood, unavoidable, and claiming the whole honour of the victory to himself and his cohort. Not only the People, but the Senate entered with

Y. of R. with warmth into his resentments, and absolutely refused the Consuls a triumph at their return^c.

298.
Bef. J. C.

And

454.
55th Consulship.

^c The reader will give what credit he pleases to this account, from *Dionysius*, of what passed in the Consulship of *Romilius* and *Veturius*. *Livy* makes no mention of the disputes about the *Agrarian Law*, or of *Sicinius's* notable speech, or of the decree against the three *Patricians*, or of *Sicinius's* exploit in the war against the *Æqui*. All that the *Latin* Historian says of the events of this year, is to the following effect: That the ten Tribunes revived the affair of the Bill [for an establishment of Laws.] That their pursuit of it was interrupted by news from the *Tusculans*, of the *Æqui* having invaded their territory: That the *Romans* could not refuse assistance to such affectionate allies: That the Consuls defeated the enemy in battle near the *Algidus*, slew 7000 of them, and got a great booty, which they sold, because money was wanting in the treasury: That this angered the soldiers, and furnished the Tribunes with matter for accusing the Consuls. *Liv. B. 3. c. 31.*

FATHER *Rouillé* observes, that the learned, and *Glarean* in particular, have charged *Livy* with a faulty negligence, in passing over the dispute about the *AGRARIAN LAW*, *Sicinius's* speech, and the condemnation of the three families.

As to the *Agrarian Law*, it seems not improbable that the Tribunes at this time brought it again into agitation in order to terrify the Nobles, and thereby facilitate the passing of *Terentius's* Bill concerning Laws. And perhaps it was this alarm which occasioned the Senate's so readily consenting presently after to let *Terentius's* proposal take place as to the substance of it. For this sudden compliance is not well accounted for by the Historians. There seems to have been a compromise. Cease your pursuit of the Partition of the Lands, and you shall have a Body of Laws established.

BUT as to *Sicinius's* Speech, the Writers who are most fond of it, do themselves, by their disagreement, furnish reasons to doubt. *Dionysius*, as we have seen, gives this hero 25 sets of furniture, for 10 many victories in single combats. *Pliny B. 7. Val. Max. B. 3. and Solinus c. 6.* allow him only 8. But then, to make him amends (as Father *Rouillé* observes) *Val. Max.* gives him 180 collars instead of only 88, and *Pliny* above 160 bracelets instead of only 60.

THE REASON why *Livy* says nothing of *Sicinius's* exploit in the war, which *Veturius* and *Romilius* conducted against the *Æqui*, is evident. He did not believe one word of it. What he relates is contradictory to *Dionysius's* account. For, according to the *Latin* Historian, the Consuls sold all the plentiful spoil of the enemy, and sent the produce to the Treasury; whereas, according to the *Greek* Historian, *Sicinius* burnt and destroyed every thing, to the end that the Consuls, having no marks of victory to shew, might be refused a Triumph.

It

And they had no sooner resigned the Fasces (to *Sp. Y. of R. Tarpeius* and *A. Æternius*) but they were cited to appear before an Assembly of the People on a day fixed. ^{299.} *Sicinius* (whom the People had raised to the Tribune-^{56th Con-}ship) charged *Romilius*; one of the Ediles charged *Veturius*. The accusations⁴ ran upon certain insults, which, during their Consulship, they had offered to the Tribunes; and upon the affair of *Sicinius* and his veterans, and the People fined them both, *Romilius* in ten thousand *Asses*, and *Veturius* in fifteen thousand. History does not inform us of the reason of the difference which the People made in their fines: it was perhaps because *Veturius* had the greater hand in the ill treatment of *Icilius's* apparitor. What favours this conjecture is, that at the same time a Law passed, with the consent of both orders in the State, That any Magistrate should have power to lay fines upon such persons as failed of due respect to his dignity: A prerogative reserved before to the Consuls only. But, to prevent any particular Magistrate from abusing and stretching his authority in this point, it was provided by the same Law, that the highest fines for such offences, should never exceed the value of two oxen and thirty sheep. ^{673.} ^{D. Hal. p.} ^{Vertot.} ^{D. Hal. p.} ^{674.}

If one considers the singular negligence of the Consuls after the victory, with regard to the enemy's camp, which contained such a rich booty; the monstrous breaches of discipline imputed to that old soldier *Sicinius*; the injustice which, in burning the spoil, he is guilty of towards the Consuls troops, who expected to share it among them, and with whom he was in terms of affection; and lastly the Senate's approving all this conduct, and taking part with him against the Consuls: I say, if one considers these things, it may incline one to believe, that *Dionysius* borrowed his account from some Memoirs as authentic as the History of *Guy Earl of Warwick*.

^d When *Livy* (B. 3. c. 31.) tells us, that the Consuls by selling the booty for the use of the Treasury [instead of giving it to the soldiers] furnished the Tribunes with matter for accusing them to the Plebeians, he probably means no more, but that the Tribunes took advantage of the anger which this proceeding raised in the minds of the soldiers, to forward a prosecution of the Consuls on another accusation, namely their violences in the dispute about the Law.

C H A P.

C H A P. XXVI.

§. I. *The Senate and People agree to send Deputies to Athens to copy out the Laws of Solon and of the other Lawgivers of Greece, in order to form thereby a body of Roman Law.* §. II. *In the Consulate of P. Sestius and T. Menenius, the Deputies return from Greece. The People press the nomination of ten Commissioners or Decemvirs, who are to compile the new Laws. The Consuls, to avoid proceeding in this affair, have recourse to various pretences. It is carried in the Senate by a majority, to create Decemvirs; and the Tribunes, after some struggle, consent to let them be all Patricians.* §. III. *The election is made in Comitia by Centuries. The Decemvirs compose TEN TABLES OF LAWS, which are approved by the whole Roman People.*

Y. of R. 299.
 Bef. J. C. 453.
 56th Consulship.
 D. Hal.
 B. 10.
 p. 674.
 675.

§. I. **T**HE Law before mentioned, concerning fines for disrespect to Magistrates, had (according to *Dionysius*) been proposed by the present Consuls, *Tarpeius* and *Æternius*, to make their court to the People. For these Consuls were *terrified* by the ill treatment of their predecessors, whose cause the Senate had but weakly defended, after giving them encouragement to hope an effectual Protection. And by the same *terror* they were induced to side with the Tribunes in the project for an establishment of Laws, and move it in the

* *Livy*, on the contrary, represents *Tarpeius* and *Æternius* as not intimidated in the least, by the misfortune of their predecessors, but boldly saying, *The Commons and their Tribunes may fine us likewise, if they please, yet they shall not prevail to get their Bill passed:* That the Tribunes, then dropping their Bill, and assuming a milder manner than hitherto, desired of *the Fathers*, “ that they would put an end “ to contention, and if *Plebeian Laws* were disagreeable to them, “ would at least suffer Legislators to be created, partly out of the “ Nobles, partly out of the Commons, for establishing Laws of “ equality in point of Liberty:” That the Senate expressed no dislike to the substance of the proposal, and objected only to the admission of *Plebeians* into the number of the Legislators: and that, after some struggle, the Tribunes yielded this point. *Liv. B. 3. c. 31.*

Senate.

Senate. The house was now divided in opinion, and Y. of R. to the great surprize of every body, *Romilius*, whom^{299.} the People had so lately fined, declared for granting to^{Bef. J. C.} the People the Laws they so much desired. He assign-^{453.} ed for the reason of his change, the experienced want^{56th Con-} of resolution in the Senate, to support the Consuls in^{sulship.} their opposition to the Tribunes. And as to forming a body of Laws, he advised the *Fathers* to send Deputies into *Greece*, who should copy the celebrated Laws of *Solon* at *Athens*, and likewise inform themselves of the Laws and Customs of the other *Græcian* States; after whose return the Consuls and Senate should appoint Commissioners to make choice of such of the *Græcian* Laws as were most suitable to the present constitution of the *Roman* Republic.

This advice of *Romilius* both prevailed in the Senate, and pleased the People. *Sicinius*, his late enemy, protested, that for the future he should ever be his friend. Nay he went further, and in the name of the People remitted him the fine he had been condemned to pay. But as the money had been consecrated to *Ceres*, *Romi-*^{D. Hal.} *lius* rejected this favour, as thinking he could not ac-^{p. 676.} cept it without sacrilege.

A Decree conformable to *Romilius*'s proposal being passed by the Senate, and confirmed by the People, *Sp. Posthumius*, *A. Manlius*, and *S. Sulpitius* were soon after commissioned and sent away to make the collection of *Græcian* Laws. No foreign enemies disturbed the State this year. Nor in the following Consul-^{Y. of R.} ship of *P. Horatius* and *Sextus Quintilius*, was there ei-^{300.} ther war abroad, or contention at home: but the Plague^{Bef. J. C.} afflicted almost all *Italy*. The Consul *Quintilius*, four^{452.} Tribunes of the People, and great Numbers of citi-^{57th Con-} zens of all ranks and conditions died of it. The Peo-^{sulship.} ple, to avoid it, dispersed themselves about the Coun-^{D. Hal. p.} try. *Rome* in this general desolation became a desert, ^{677.} and some surprize was to be feared from the *Æqui*, the *Volsci*, and the *Sabines*. But the pestilence raging among them too with the same fury, their calamity served

served instead of strength and defence to the Republic.

Y. of R. §. II. THE next year, in the Consulship of *P. Sestius* and *T. Menenius* the plague ceased; and the Ambassadors, who had been sent into *Greece*, returned to *Rome*. Presently the Tribunes became very urgent for a nomination of Legislators to enter on the great work. The Consuls, unwilling to have their Magistracy the Epoch of an innovation so disadvantageous to the Nobles, put off the business under various pretences.

At first, they alledged in excuse of the delay; that the affair in question being to be settled in the Consulship of their successors, nothing ought to be done in it, till those successors were appointed, nor indeed without their participation. To this the Tribunes made no objection; but it is probable, that their impatience hastened the meeting of the Centuries; for these were assembled before the usual time. They named *Appius Claudius* (grandson of the first of that name) and *T. Genucius* to the Consulship. After this election, *Menenius*, to get rid of the importunity of the Tribunes, pretended sickness and staid at home. And as for *Sestius*, he excused himself, by saying, that it would not be decent for him to act in so great an affair, without his Collegue; and he referred them to the Consuls elect. To these the Tribunes applied themselves, and by much sollicitation and fine promises entirely gained them. *Appius* in an Assembly of the People, to which he went at the desire of the Tribunes, made a speech upon the reasonableness of establishing Laws equally favourable to all; an establishment which, he said, would put an end to the contention between the two parties, and make *Rome*, which had been so long divided, as it were, into two States, become one Commonwealth. He added, that if the election of himself and his Collegue to the Consulship should be offered by any person as an objection to the immediate appointment of Legislators, they were both ready (provided the Senate approved it) to relinquish their pretensions to that dignity.

When

When the People had first bestowed the highest ^{Y. of R.} praise on those two *Patricians* for their disinterested ^{301.} virtue, they ran in crouds to the Senate-House. *Mi-* ^{Bef. J. C.} *nucius* being still sick, or pretending to be so, *Sestius* ^{451.} ^{58th Con-} alone (whom perhaps the Tribunes had gained by a ^{fulship.} promise to make him one of the Legislators) convened ^{D. Hal.} the Fathers, and proposed the business. After some ^{ibid.} opposition from the warm advocates for all old customs, the opinion of the Consuls elect prevailed; and at the motion of *Appius*, it was agreed, That ten persons, to be chosen out of the body of the Senate, should for one year, commencing from the day of their nomination, be invested, for the government of the State, with an authority from which there should lie no appeal; and that the *Consular*, the *Tribunician*^b, and all the other Magistracies should be suppressed during that space of time.

These Decemvirs were to draw up a Body of Laws extracted from those of *Greece*, and then communicate the Work to the Senate and People for their approbation and confirmation.

The Tribunes contended a while, for the admission ^{Livy, B.} of some *Plebeians* into the number of the Legislators, ^{3. c. 32.} but at length yielded this point, on condition, that the Decemvirs should not abrogate the *Icilian Law* ^{ibid.} [relating to Mount *Aventine*] nor the Laws regarding the functions and privileges of the Tribunes.

§. III. SHORTLY after, a solemn Assembly was ^{Y. of R.} held of the whole *Roman* People convened by Centuries, ^{302.} and when the auspices had been taken, and the other ^{Bef. J. C.} ceremonies of religion performed, they proceeded to ^{450.} the election of the Decemvirs. *Appius Claudius* and ^{59th Con-} *T. Genacius* were the first named: it was thought they ^{D. Hal. p.} deserved this honourable preference for the generous ^{680.} ^{Liv. c. 33.}

^a This is the first instance of suspending the Tribuneship. The functions of the Tribunes had hitherto been always preserved, even under the Dictators, and when all other Magistracies ceased. The reason was, that the Tribunes were not properly Magistrates, but only Protectors of the People against any oppressions by the Magistrates, *Plut. Quæst. Rom.* p. 283.

Y. of R. abdication they made of the Consulship: then *L. Sestius*,
 302. the Consul who had brought this matter before the Se-
 Bef. J. C. nate against his Collegue's will: *Sp. Posthumius*, *S. Sul-*
 450. *picius*, and *A. Manlius*, the three Deputies who had
 59th Con- fulship. been sent into *Greece*; *T. Romilius*, who had proposed
Livy, ibid. that deputation; and to these were added *C. Julius*,
T. Veturius, and *P. Horatius*, all Consulars, and men
 of distinction, but too old, as some say, to oppose
 with resolution the sentiments of their Collegues. *Appi-*
pius, by the favour he had acquired with the People,
 had the modelling of this Magistracy.

Y. of R. The DECENVIRS agreed among themselves, that on-
 302. ly one of them at a time should have the fasces, as-
 Bef. J. C. semble the Senate, confirm Decrees, and act in all
 450. respects as supreme Magistrate. To this honour they
 1 Decem- were to succeed by turns, each enjoying it one whole
 virate. day, and then resigning it to another; and while one
 had the badges of sovereign power, the other nine
 differed not, in their appearance, from private persons,
 excepting that each of them was attended by an officer
 called *Accensus*, who walked before him.

They repaired every morning, each in his turn, to
 their Tribunal in the *Forum*, to dispense justice, which
 they did with so much impartiality, that the People,
 charmed with their conduct, seemed to have forgot
 their Tribunes. Most of them pray'd to the Gods
 for the continuance of a Government so full of mode-
 ration; nay, there were many *Plebeians* who declared,
 that instead of restoring the Consulate and Tribunate,
 the best thing they could do, would be to find ways to
 make the Decemvirate perpetual.

The People looked upon themselves as chiefly in-
 debted to *Appius* for the present felicity they enjoy'd.
 And indeed by the good understanding he lived in
 with his Collegues, and by his affable behaviour to the
 People, he acquired universally the reputation of su-
 perior merit. From being an austere *Patrician* who
 crossed the *Plebeians* in all their pretensions, he was
 changed to a very *Peplicola*: No body so gracious and
 condescending

condescending as *Appius*: He could call the Citizens Y. of R. 392. he met by their Names: He saluted even the meanest Bef. J. C. 450. of the populace, giving them all assurances of his good will and concern for their interests.

The Decemvirs applied themselves diligently this 1 Decem- whole year to their work, which when compleated, virate. D. Hal. p. 681. they exposed in TEN TABLES, fixed up in the *Forum*; Livy, B. 3. c. 34 and then with great modesty represented to the People assembled, “ That they did not know they had omitted any thing necessary to the establishment of that equality which ought to be among the members of a free Republic. That nevertheless they would have their fellow-citizens examine the performance carefully, and declare freely what they conceived ought to be retrenched or added; to the intent that the *Roman* People might, for the future, live under Laws which they might be said to have *proposed* as well as *enacted*.” The Decemvirs for some time D. H. ibid. sat daily in the *Forum* to receive remonstrances; and whoever had any thing to object against the Laws was readily heard. And when all necessary corrections and amendments had been made, and the People in general seemed to be well satisfied, the TEN TABLES were carried before the Senate, and there approved by an express Decree: Soon after which, the Decemvirs convened an *Assembly of the Centuries*, where the LAWS, being first read over, were confirmed by the unanimous voices of the whole ROMAN PEOPLE.

* It is said [*Plin. B. 34. Cap. 5. Strabo, B. 14.*] that the Laws of Greece were explained to the Decemvirs by one *Hermodorus* of *Ephesus*, who happened to be at *Rome*; and that *Heraclitus* the friend of *Hermodorus* wrote him a congratulatory letter on the share he had in drawing up the *Roman* Laws, adding, that in a dream he had seen all the nations of the earth bowing down before these Laws, and worshipping them in the *Persian* manner.

C H A P. XXVII.

*Fragments of the TEN TABLES of Laws before-
mention'd, as they have been collected and digested by the
learned Jesuits Catrou and Rouillé, and also of the
TWO TABLES of Laws soon after added to the
TEN.*

T A B L E I. OF LAW-SUITS.

Y. of R. I. LAW. Go immediately with the person who cites
302. you before the Judge.

Bef. J. C. II. LAW. If the person you cite refuses to go with
450. you before the Judge, take some that are present to be
1 Decem- witnesses of it, and you shall have a right to compel
virate. him to appear.

III. LAW. If the person cited endeavours to escape from you, or puts himself into a posture of resistance, you may seize his body.

IV. LAW. If the person prosecuted be old, or infirm, let him be carried in a *Jumentum*, or open carriage. But if he refuse that, the prosecutor shall not be obliged to provide him an *Arcera*, or a covered carriage.

V. LAW. But if the person cited find a surety, let him go.

VI. LAW. Only a rich man shall be security for a rich man. But any security shall be sufficient for a poor man.

VII. LAW. The judge shall give judgment according to the agreement made between the two parties, by the way.

VIII. LAW. If the person cited has made no agreement with his adversary, let the *Prætor* hear the cause from sun-rising till noon; and let both parties be present when it is heard, whether it be in the *Forum*, or *Comitium*.

IX. LAW. Let the same *Prætor* give judgment in the afternoon, though but one of the parties be present.

X. LAW. Let no judgments be given after the going down of the sun.

XI. LAW.

XI. LAW. When the parties have pitched upon a Y. of R. judge or arbitrator by consent, let them give securities, ^{302.} that they will appear. Let him who does not appear ^{Bef. J. C.} in court pay the penalty agreed upon, unless he was ^{450.} hindered by some great fit of sickness, or by the per- ^{Decem-} virate. formance of some vow, or by business of state, or by some indispensable engagement with a foreigner. If any one of these impediments happen to the judge or arbitrator, or either of the parties, let the hearing be put off to another day.

XII. LAW. * Whoever shall not be able to bring any witnesses to prove his pretensions before the Judge, may go and make a clamour for three days together, before his adversary's house.

* The plaintiff was often disappointed of his demand upon the defendant, and the prosecution declared null, for want of witnesses. In order to remove this inconvenience, the *Decenviri* made a Law, which gave the person injured leave to go to the door of his house whom he intended to prosecute; to repeat the subject of his complaint with a loud voice; and even to have recourse to invectives if there was occasion: and to continue this for three market-days together, because the country People came then to *Rome*, about their business. Hence came the custom, which continues to this day, of sending three summons, before judgment is given by default. If after these repeated clamours the person cited still refused to make restitution, the plaintiff had a right to call those in the neighbourhood who heard him, as witnesses, and go in with them, even by force, into his adversary's house, and there seize his own goods wherever he found them. The Law was thus expressed. CUI TESTIMONIUM DEFUERIT, IS TERTIIS DIEBUS, OBPORTUM, OBVAGULATUM ITO; that is to say, *ei qui testimoniis destituitur, liceat, tertiis undinis, reum ante ædes, convitiis & clamoribus appetere.* According to *Festus*, *portus* had anciently the same signification as *domus*, or *ædes*. The word *obvagulatum* is, says *Festus*, put for *quæstionem cum convitiis*, i. e. a demand made with great outcries and invectives. In this sense the *Civilians* interpret the verb *vagulo*, which they derive from the verb *vagio*.

Turneb. B. 2. advers. cap. 26. and Salmasius Observ. ad jus Attic. § Ro. cap. 30. state this Law in a different manner. Their interpretation of it is this. If the plaintiff cannot produce his witnesses, let him go to the house of him whose testimony he had a right to expect; and let him require him to bear witness for him with great cries, and with injurious reflections, if the witness obstinately persists in the refusing it.

TABLE II. OF ROBBERIES.

- Y. of R. 302.
Bef. J. C. 450.
1 Decem-
virate.
- I. LAW. He that is attacked by a robber in the night, let him not be punished if he kills him.
- II. LAW. If the robbery be committed by day, and if the robber be taken in the fact, let him be beaten with rods, and become the slave of him whom he robbed. If the robber be a slave already, let him be beaten with rods, and thrown down headlong from the top of the capitol. If he be a child, under the age of *puberty*, let him be corrected, according to the *Prætor's* discretion, and let reparation be made to the injured party.
- III. LAW. When robbers attack any person with arms, if the person attacked has cried out for help, he shall not be punished if he kill the robbers.
- IV. LAW. When upon a legal search, any stolen goods are found in a house, the robbery shall be punished upon the spot, as if openly and publicly committed.
- V. LAW. For robberies committed privately, the robber shall be condemned to pay double the value of the things stolen.
- VI. LAW. Whosoever shall cut down trees, which don't belong to him, he shall pay 25 *Asses* of brass, for every tree so felled.
- VII. LAW. If any one comes privately, by night, and treads down another man's field of corn, or reaps his harvest, let him be hanged up, and put to death, as a victim devoted to *Ceres*. But if he be a child, under the age of *puberty*, let the *Prætor* order him to be corrected as he shall think fit, or let double satisfaction be made for the damage he has done.
- VIII. LAW. If a robber and the person robbed agree together upon terms of restitution, no farther action shall lie against the robber.
- IX. LAW. Prescription shall never be pleaded as a right to stolen goods, nor shall a foreigner have a right to the goods of any *Roman* citizen, by the longest possession.

X. LAW.

X. LAW. If any one betrays his trust, with respect to what is deposited in his hands, let him pay double the value of what was so deposited, to him who entrusted him with it.

Y. of R.
302.
Bef. J. C.
450.
1 Decem-
virate.

XI. LAW. If any one finds any of his goods in another man's possession, who became possessed of them by a breach of trust, let the *Prætor* nominate three arbitrators to judge of it. And let the wrongful possessor pay double the value of what he has gained by detaining them.

XII. LAW. If a slave has committed a robbery, or done any damage, with the privity, and at the instigation of his master, let the master deliver up the slave to the person injured, by way of compensation.

TABLE III. OF LOANS, AND THE RIGHT OF CREDITORS OVER THEIR DEBTORS.

I. LAW. Let him who takes more than one *per Cent.* interest for money, be condemned to pay four times the sum lent.

II. LAW. When any person acknowledges a debt, or is condemned to pay it, the creditor shall give his debtor thirty days for the payment of it: After which he shall cause him to be seized, and brought before a Judge.

III. LAW. If the debtor refuses to pay his debt and can find no security, his creditor may carry him home, and either tie him by the neck, or put irons upon his feet, provided the chain does not weigh above fifteen pounds; but it may be lighter, if he pleases.

IV. LAW. If the captive debtor will live at his own expence, let him; if not, let him who keeps him in chains allow him a pound of meal a day, or more, if he pleases.

V. LAW. The creditor may keep his prisoner for sixty days. If in this time the debtor does not find means to pay him, he that detains him shall bring him out before the people three market-days, and proclaim the sum, of which he has been defrauded.

K 4

VI. LAW.

Y. of R.

302.
Bef. J. C.450.
1 Decem-
virate.

VI. LAW. If the debtor be insolvent to several creditors, let his body be cut in pieces on the third market-day. It may be cut into more or fewer pieces with impunity: Or, if his creditors consent to it, let him be sold to foreigners beyond the *Tiber*.

TABLE IV. OF THE RIGHT OF FATHERS OF FAMILIES.

I. LAW. Let a father have the power of life and death over his legitimate children, and let him sell them when he pleases.

II. LAW. But if a father has sold his son three times, let the son then be out of his father's power.

III. LAW. If a father has a child born, which is monstrously deformed, let him kill him immediately.

IV. LAW. Let not a son, whose father has so far neglected his education as not to teach him a trade, be obliged to maintain his father in want; otherwise let all sons be obliged to relieve their fathers.

V. LAW. Let not a bastard be obliged to work to maintain his father.

TABLE V. OF INHERITANCES AND GUARDIANSHIPS.

I. LAW. After the Death of a father of a family, let the disposition be made of his estate, and his appointment concerning the guardianship of his children, be observed.

II. LAW. If he dies intestate, and has no children to succeed him, let his nearest relation be his heir; if he has no near relation, let a man of his own name be his heir.

III. LAW. When a freed-man dies intestate, and without heirs, if his patron be alive, or has left children, let the effects of the freed-man go to the family of his Patron.

IV. LAW. After the death of a debtor, his debts shall be paid by his heirs, in proportion to the share they have in his inheritance. After this they may divide the

the rest of his effects, if they please, and the *Prætor* Y. of R. shall appoint three arbitrators to make the division.

V. LAW. If a father of a family dies intestate, and leaves an heir under age, let the child's nearest relation be his guardian. 302.
Bef. J. C.
450.
Decemvirate.

VI. LAW. If any one becomes mad, or prodigal, and has no body to take care of him, let a relation, or if he has none, a man of his own name, have the care of his person and estate.

TABLE VI. OF PROPERTY AND POSSESSION.

I. LAW. When a man conveys his estate to another, let the terms of the conveyance create the right.

II. LAW. If a slave, who was made free on condition of paying a certain sum, be afterwards sold, let him be set at liberty, if he pay the person who has bought him, the sum agreed upon.

III. LAW. Let not any piece of merchandize, tho' sold and delivered, belong to the buyer, till he has paid for it.

IV. LAW. Let two years possession amount to a prescription for lands, and one for moveables.

V. LAW. In litigated cases the presumption shall always be on the side of the possessor: And in disputes about liberty or slavery, the presumption shall always be on the side of liberty.

TABLE VII. OF TRESPASSES AND DAMAGES.

I. LAW. If a beast does any damage in a field, let the master of the beast make satisfaction, or give up his beast.

II. LAW. If you find a rafter or a pole which belongs to you, in another man's house or vineyard, and they are made use of, don't pull down the house, or ruin the vineyard; but make the possessor pay double the value of the thing stolen; and when the house is destroyed, or the pole taken out of the vineyard, then seize what's your own.

III. LAW. Whoever shall maliciously set fire to another man's house, or an heap of corn near his house, shall

Y. of R. shall be imprisoned, scourged, and burnt to death. If he did it by accident, let him repair the damage : And if he be a poor man, let him be slightly corrected.

^{302.}
Bef. J. C.
^{450.}
1 Decem-
virate. IV. LAW. Whoever shall deprive another of the use of a limb, shall be punished according to the law of retaliation, if the person injured does not agree to accept some other satisfaction.

V. LAW. If he has only dislocated a bone, let him pay three hundred pounds of brass, if the sufferer be a freed-man, and an hundred and fifty if he be a slave.

VI. LAW. For common blows with the fist, and injurious words, the punishment shall be twenty five *Asses* of brass.

VII. LAW. Whoever slanders another by words, or defamatory verses, and injures his reputation, shall be beaten with a club.

VIII. LAW. Let him who has once been a witness, and refuses to bear witness again, though a public person, be deemed infamous, and made incapable of bearing witness any more.

IX. LAW. Let every false witness be thrown down headlong from the *Capitol*.

X. LAW. Whoever shall wilfully kill a freed-man, or shall make use of magical words to hurt him, or shall have prepared poison for him, or given it to him, shall be punished as an homicide.

XI. LAW. Let all *Parricides* be thrown into the river, sowed up in a leather-bag, and with their heads veiled.

XII. LAW. The guardian who manages the affairs of his ward ill, shall be reprimanded; and if he be found to have cheated him, he shall restore double.

XIII. LAW. A patron who shall have defrauded his client, shall be execrable.

T A B L E VIII. OF ESTATES IN THE COUNTRY.

I. LAW. Let the space of two foot and an half of ground be always left between one house and another.

II. LAW. Societies may make what by-laws they please among themselves, provided they don't interfere with the public laws.

III. LAW.

III. LAW. When two neighbours have any disputes ^{Y. of R.} about their bounds, the *Prætor* shall assign them three ^{302.} arbitrators. ^{Bel. J. C.}

IV. LAW. When a tree planted in a field does in- ^{450.} jury to an adjoining field by its shade, let its branches ^{Decem-} be cut off fifteen foot high. ^{virate.}

V. LAW. If the fruit of a tree falls into a neighbour-
ing field, the owner of the tree may go and pick it up.

VI. LAW. If a man would make a drain, to carry off
the rain-water from his ground to his neighbour's, let
the *Prætor* appoint three arbitrators, to judge of the
damage the water may do, and prevent it.

VII. LAW. Roads shall be eight foot wide, where
they run strait, and where they turn, sixteen.

VIII. LAW. If a road between two fields be bad, the
traveller may drive through which field he pleases.

TABLE IX. OF THE COMMON RIGHTS OF THE PEOPLE.

I. LAW. Let not privilege be granted to any person.

II. LAW. Let both debtors who are got out of slavery,
and strangers who have rebell'd, and returned to their
duty, be restored to their ancient rights, as if they ne-
ver offended.

III. LAW. It shall be a capital crime for a judge or
arbitrator to take money for passing judgment.

IV. LAW. Let all causes, relating to the life, liberty,
or rights of a *Roman* Citizen, be tried only in *Comitia*
by *Centuries*.

V. LAW. Let the People appoint *Quæstors*, to take
cognizance of all capital cases.

VI. LAW. Whoever shall hold seditious assemblies in
the city, by night; shall be put to death.

VII. LAW. Let him, who shall have solicited a fo-
reigner to declare himself against *Rome*, or shall have
delivered up a *Roman* citizen to a foreigner, lose his
life.

VIII. LAW. Let only the last laws of the People be
in force [i. e. let the last supersede all former ones, in the
same case made and provided.]

TABLE

TABLE X. OF FUNERALS, AND ALL CEREMONIES
RELATING TO THE DEAD.

Y. of R. 302. I. LAW. Let no dead body be interred, or burnt,
Bef. J. C. within the city.
450. II. LAW. Let all costliness and excessive wailings be
1 Decem- banished from funerals.
virate. III. LAW. Let not the wood, with which funeral-piles

are built, be cut with a saw ^a.

IV. LAW. Let the dead body be covered with no more than three habits, bordered with purple; and let no more than ten players upon the flute be employed in celebrating the obsequies ^b.

V. LAW. Let not the women tear their faces, or disfigure themselves, or make hideous outcries.

VI. LAW. Let not any part of a dead body be carried away, in order to perform other obsequies for the deceased, unless he died in war, or out of his own country ^c.

VII. LAW.

* ROGUM ASCIA NE POLITO, are the *Latin* words of this Law, which seems to have passed from the *Athenians* to the *Romans*. *Solon*, and after him *Phalerius*, forbade the use of joinery, and the ornaments of sculpture, in the building of sepulchres.

^b It was a Law established by *Solon*, that no more than three robes should be buried or burnt with the corpse; it being customary among the ancients, to load the funeral-pile, or fill the sepulchre, with rich habits, and all the valuable things the deceased had had in his life-time; agreeable to these lines of *Virgil* in his sixth *Æneid*,

—Tum membra thoro defleta reponunt
Purpureasque super vestes, velamina nota
Injiciunt.

The latter clause of this Law did not hinder the *Romans* from joining trumpets to flutes in the funerals of great men.

^c The *Civilians* have given us this Law, after *Tully*, B. 2. *de Legibus*, thus, HOMINI MORTUO OSSA NE LEGITO, QUO POST FUNUS FACIAS, EXTRA QUAM SI BELLI, ENDOVE HOSTICO, MORTUUS ES. It often happened at *Rome*, that the friends and relations of the deceased carried off some parts of his body, during the celebration of the obsequies, in order to perform another funeral for him in private. Which multiplied expences, and renewed useless grief. The *Decemviri* therefore forbade this custom. Nevertheless the practice

VII. LAW. Let no slaves be embalmed after their death; let there be no drinking round a dead body; nor let any perfumed liquors be poured upon it. Y. of R.
302.
Bef. J. C.

VIII. LAW. Let no crowns, festoons, perfuming-pots, or any kind of perfume, be carried to funerals. 450.
Decemvirate.

IX. LAW. If the deceased has merited a crown in the public games, by any exploit of his own, or the expertness of his slaves, or the swiftness of his horses, let his panegyric be made at his funeral, and let his relations have leave to put a crown upon his head, as well during the seven days he remains in the house, as when he is carried to be buried.

X. LAW. Let no man have more than one funeral, made for him, or than one bed put under him.

of interring still continued at *Rome*, even with regard to those bodies which were burnt. The relations and friends of the deceased reserved a small part of his body, a finger for instance, or a bone, and buried it with as much ceremony, as if it had been the whole body. By this means the *Romans* intended to preserve the ancient custom of burial, without which, says *Cicero*, the place where the body had been burnt, was not consecrated by religion, nor therefore could any one legally build a sepulchre there: *Nam priusquam in os injecta gleba est, locus ille, ubi crematum est corpus, nihil habet religionis. Injecta gleba, tum et ille humatus est, et sepulchrum vocatur, ac tum denique multa religiosa jura complectitur.* The Law makes an exception for those who had died in war, or in a distant country, or who had been devoured by some wild beast, &c. It was lawful to make a funeral pomp for such, in honour of their bravery, and to erect one of those tombs for them, which the ancients called *Cenotaphia*. It was a received opinion, according to the superstition of those times, that these empty sepulchres were retreats for the wandering souls of those who had no burial. This defect was supplied by throwing three handfuls of earth upon the tomb, and calling the deceased by his name three times. *Aeneas* paid this tribute to the memory of young *Polydorus*.

*Ergo inhaeramus Polydoro funus, et ingens
Aggeritur tumulo tellus. Stant manibus aræ.*

Animamque sepulchro

Condimus, et magna supremum voce clemus.

Æneid 3.

Ovid speaks of those monuments, which looked like sepulchres.

Es sepe in tumulis, sine corpore, nomina legi.

XI. LAW.

Y. of R.

302.
Bef. J. C.450.
1 Decem-

virate.

XI. LAW. Let no gold be used in any obsequies, unless the jaw of the deceased has been tied up with a gold thread. In that case the corpse may be interred or burnt with the gold thread.

XII. LAW. For the future, let no sepulchre be built, or funeral-pile raised within sixty-feet of any house, without the consent of the owner of the house.

XIII. LAW. Prescription shall never be pleaded against a man's right to his burial place, or the entrance to it.

TABLE XI. OF THE WORSHIP OF THE GODS, AND OF RELIGION.

The Laws
of the 11th
and 12th
Tables
were not
drawn up
till the
next year
303, nor
passed till
305 of
Rome.

I. LAW. Let all persons come with purity and piety to the assemblies of religion, and banish all extravagance from thence. If any one does otherwise, may the Gods themselves revenge it.

II. LAW. Let no person have particular Gods of his own; or worship any new and foreign ones in private, unless they are authorized by public authority.

III. LAW. Let every one enjoy the temples consecrated by his fore-fathers, the sacred groves in his fields, and the oratories of his *Lares*. And let every one observe the rites used in his own family, and by his ancestors, in the worship of his domestic Gods.

IV. LAW. Honour the Gods of Heaven, not only those who have always been esteemed such, but those likewise whose merit has raised them thither, as *Hercules*, *Bacchus*, *Æsculapius*, *Castor*, *Pollux*, and *Romulus*.

V. LAW. Let those commendable qualities, by which heroes obtained Heaven, be ranked among the Gods, as Understanding, Virtue, Piety, Fidelity, and let Temples be erected to them. But let no worship ever be paid to any vice.

VI. LAW. Let the most authorized ceremonies be observed.

VII. LAW. Let law-suits be suspended on festivals; and let the slaves have leave to celebrate them after they have done their work. That it may be known

on

on what days they fall, let them be set down in the calendars.

VIII. LAW. Let the Priests offer up in sacrifice to the Gods, on certain days, the fruits of the earth, and berries: And on other days abundance of milk, and young victims. For fear this ceremony should be omitted, the Priests shall end their year with it. Let them likewise take care to choose for every God, the victim he likes. Let there be priests appointed for some Gods, *Flamines* for others, and *Pontifices* to preside over them all.

IX. LAW. Let no woman be present at the sacrifices which are offered up in the night, except at those which are made for the people, with the usual ceremonies. Nor let any one be initiated in any mysteries brought from *Greece*, but those of *Ceres*.

X. LAW. If any one steals what belongs, or is devoted to the Gods, let him be punished as a Parricide.

XI. LAW. Leave perjury to be punished with death by the Gods, and let it be punished with perpetual disgrace by men.

XII. LAW. Let the *Pontifices* punish incest with death.

XIII. LAW. Let every one strictly perform his vows: but let no wicked person dare to make any offerings to the Gods.

XIV. LAW. Let no man dedicate his field to the service of the altar; and let him be discreet in his offerings of gold, silver, or ivory. Let no man dedicate a litigated estate to the Gods: If he does, he shall pay double the value of it to him whose right it shall appear to be.

XV. LAW. Let every man constantly observe his family-festivals.

XVI. LAW. Let him who has been guilty of any of those faults, which make men execrable, and are not to be atoned for, by expiations, be deemed impious. But let the priests expiate such, as are to be expiated^d.

^d SACRUM COMMISSUM QUOD NEQUE EXPIARI POTERIT, IMPIE COMMISSUM ESTO: QUOD EXPIARI POTERIT, PUBLICI SACERDOTES EXPIANTO.

TABLE XII. OF MARRIAGES, AND THE RIGHT OF HUSBANDS.

I. LAW. When a woman shall have cohabited with a man for a whole year, without having been three nights absent from him, let her be deemed his wife ^e.

II. LAW. If a man catches his wife in adultery, or finds her drunk, he may, with the consent of her relations, punish her even with death.

III. LAW. When a man will put away his wife, the form of doing it shall be by taking from her the keys of the house, and giving her what she brought. This shall be the manner of a divorce.

IV. LAW. A child born of a widow, in the tenth month after the decease of her husband shall be deemed legitimate.

V. LAW. It shall not be lawful for the *Patricians* to intermarry with the *Plebeians* ^f.

C H A P.

EXPIANTO. That is to say, *A premeditated crime could not be expiated by the blood of victims, because it implied a formal contempt of the Gods.* It therefore was the guilty person's business to repair the injury he had done religion by repentance and legal satisfaction.

^e This Law is quoted by *Aulus Gellius*, B. 3. c. 2. and by *Macrobius Saturnal*, B. 1. c. 3. The *Civilians* state it as follows. *MULIERIS QUÆ ANNUM MATRIMONII ERGO, APUD VIRUM REMANSIT, NI TRI NOCTIUM AB EO, USURPANDI ERGO, ABESCIT, USU: ESTO, i. e. Let a man be absolute master of a woman, who has cohabited with him for the space of one year, provided that, in all this time, she has not been absent from him three nights.* She then became his wife, yet not in such a manner, as to be a sharer in the husband's goods, or to have a right to his inheritance. So that this was being in a condition much below that of a lawful wife: by which we mean, one whose marriage was solemnized with the usual ceremonies.

^f *Cicero* declares it as his positive judgment and opinion, That the LAWS of the TWELVE TABLES are justly to be preferred to whole libraries of the *Philosophers*. *Cic. de Oratore*, B. 1.

These Laws being established, it necessarily followed, that there should be disputations and controversies in the courts, since the interpretation was to be founded on the Authority of the learned. This interpretation they called *jus civile*, though at present we understand by that phrase the whole system of the *Roman Laws*.

Besides out of all these Laws the learned men of that time composed a scheme of forms and cases, by which the processes in the courts were directed. These were termed *actiones leges*.

We

C H A P. XXVIII.

§. I. *The Senate and People agree to have the same sort of government continued for another year. Appius gets himself rechosen to the Decemvirate; and prevails with the People to elect nine men (of whom three are Plebeians) all devoted to his will, to be his Collegues.* §. II. *The new Decemvirs privately agree to make their authority perpetual. They draw up two new tables of laws.* §. III. *Their year being expired, they continue themselves in office by their own authority. They convene the Senate in order to obtain a levy of troops to oppose the incursions of the Æqui and Sabines. A sharp debate, in which Valerius and Horatius exert themselves in opposing the measures of the Decemvirs; who nevertheless carry their point.* §. IV. *Valerius and Horatius, to secure themselves from being insulted by the Decemvirs, keep guards about their persons. Many of the Senators and other principal citizens retire into the country. Appius confiscates their estates.* §. V.

We may add to these the Laws preferred at the public Assemblies of the People; and the *Phébiscita*, made without the authority of the Senate, at the *Comitia Tributa*, which were allowed to be of equal force with other constitutions, though they were not honoured with the title of *leges*.

And then the *Senatus-consulta*, and edicts of the supreme Magistrates, particularly of the *Prætors*, made up two more sorts of Laws, the last of which they called *jus honorarium*.

And, lastly, when the Government was intrusted in the hands of a single person, whatever he ordained had the authority of a Law, with the name of *principalis constitutio*.

Most of these daily increasing, gave so much scope to the Lawyers for the compiling of reports and other labours, that in the reign of *Justinian*, there were extant two thousand distinct volumes on this subject. The body of the Law being thus grown unweildy, and rendered almost useless by its excessive bulk, that excellent Emperor entered on a design to bring it into just dimensions; which was happily accomplished in the constituting those four tomes of the *Civil Law*, which are now extant; and have contributed, in a great measure, to the regulating of all the States in *Christendom*: So that the old fancy of the *Romans*, about the eternity of their command, is not so ridiculous as at first sight it appears, since by their admirable sanctions, they are still like to govern for ever. *Kennet's Antiq. part 2. B. 3. chap. 21.*

Fabius *with two other of the Decemvirs leads an army against the Sabines. Five other Decemvirs lead five legions against the Æqui. Appius and Oppius stay with a body of troops in Rome. Nothing succeeds in the two camps, the soldiers being resolved not to conquer. Sicinius Dentatus, that old soldier, who had been in 120 battles, publicly gives out at Rome, that the misfortunes of the campaign are owing to the incapacity of the Generals. Appius hereupon contrives, in concert with the Decemvirs, who command against the Sabines, to get him treacherously murdered. The discovery of this murder disposes the soldiers to a revolt.*

Y. of R. §. I. **T**HOUGH the Laws contained in the TEN
302. TABLES had been approved in all their
 Bef. J. C. parts, both by the Nobles and the *Plebeians*; yet many
450. persons were of opinion, that several regulations, which
 1 Decem- would fill two other Tables, ought to be added to the
 virate. former, in order to make a compleat body of *Roman*
 D. H. B. Laws. This notion prevailing, it occasioned a proposal
10. p. 681, of continuing the Decemviral government for one year
682. more: the Senate and the People with equal readineſs
 Livy, B. 3. tho' for different reasons, consented to the motion.
 c. 34, 35. The People were extremely desirous to keep back the
 restoration of the consular authority, and at present
 they found but little want of the protection of their
 Tribunes, because the Decemvirs admitted, in some
 sort, of appeals, allowing causes which had been deter-
 mined by one of them, to be reheard by another.
 And as for the Senators, they were glad at any rate to
 be rid of the Tribunes, those *Plebeian* Magistrates so
 odious to them, and whose functions they now con-
 ceived hopes of entirely abolishing. Before the holding
 of the Comitia for electing new Decemvirs, the Senate
 fell into divisions about that dignity. Some aspired to
 it out of ambition; others, who had been the warmest
 opposers of its establishment, courted the office now
 but it was only in order to exclude those whose behav-
 iour gave cause to suspect them of some ill designs.

Appi

Appius at first pretended to be weary of a charge so difficult and laborious, and to be very averse to burthen himself with it a second time. But his well known and avowed intimacy with the *Dulii* and *Ilcii*, the leading men among the People; the pains he took to make himself agreeable to the *Plebeians*; his affability and moderation, so contrary to the pride of the *Claudian* family; all this gave great uneasiness to his competitors, and rendered him suspicious to his Collegues. These latter, to make sure of his exclusion, appointed him to preside at the new election; and as it was the custom at every election for the president to give out the names of those who stood for the office in question, they imagined, that *Appius*, after the declarations he had made, could not have the assurance to put his own name in the list of candidates: Besides, excepting an instance or two of some shameless Tribunes of the People, it was a thing unheard of, that he who presided at an election of Magistrates, should offer himself for one. *Appius* nevertheless, contrary to all rules of decency, proposed himself for first Decemvir; and the People, who were now entirely devoted to him, readily gave him their suffrages. The other persons chosen to be Government were such as *Appius* had favoured and recommended. The first of the number was *Q. Fabius Vibulanus*, who had been three times Consul, a Patriarch indeed of manners hitherto unblameable. After him were named *M. Cornelius*, *M. Sergius*, *L. Minucius*, *P. Antonius*, and *M. Rabuleius*, Senators very little esteemed in their own body, but all devoted to the service of *Appius*, who by his private brigues carried the Decemviral dignity in their favour from the *Quinctii*, and even from his own uncle *Claudius*, as likewise from his Collegues in the first Decemvirate. But what most surprised and alarmed the Senate, was, that *Appius*, getting his own glory and that of his ancestors, was ashamed, out of complaisance to the late Tribunes, whom he had sold his faith, to propose three *Plebeians* for Decemvirs, pretending it was but just, that there should be some persons in that College to take

care of the interests of the People. Thus he brought in *Q. Petilius*, *Cæso Duilius*, and *Sp. Oppius*, all three *Plebeians*, excluded by their birth from those prime Magistracies.

Y. of R. §. II. AND now *Appius* seeing himself by means of
 303. his dissimulation and cabals, once more at the head of
 Bef. J. C. the Decemvirate, turned his thoughts wholly to make his
 449. domination perpetual. He immediately assembled his
 2 Decem- new Collegues, who were all obliged to him for their
 virate. dignities, and throwing off the mask of a Republican, represented to them, that being entrusted with a commission wherein the Consular authority and that of the Tribunes were united, nothing was more easy than to retain this sovereign power during their whole lives; that the sure means thereto was to assume to themselves the cognizance of all affairs, not suffering them to be carried before either the Senate or the People; to convene those two bodies as seldom as possible; and above all to keep firmly united among themselves: That they ought to have a mutual complaisance for each other; that the whole College ought to interest itself warmly for the particular affairs of each Decemvir; and he added, that he thought they should all bind themselves by the most solemn oaths, never to interrupt one another in the execution of their particular designs. As this proposal of *Appius* agreeably flattered the ambition of his Collegues, they readily came into it, and took the oaths that he required. A new conspiracy against the public liberty.

Livy, B. 3. These Magistrates entered into possession of their
 c. 36, 37. dignity on the *Ides of May*; and to strike immediate
 D. Hal. B. terror and respect into the People, they appeared in
 10. p. 682. public each with twelve Lictors bearing axes among their fasces like those that used anciently to go before the Kings of *Rome*, and afterwards before the Dictator; so that the *Forum* was filled with an hundred and twenty Lictors. The People could not see this train and parade of tyranny without indignation. The comparison they made between the moderation of the Consuls, and the haughty behaviour of the *Decemvirs*, soon led them to regret

regret their old Government. They complained in private, that now ten Kings were set up over them instead of two Consuls. But these reflections came too late, and it was not in their power to undo their own work. The *Decenvirs* began to reign imperiously, and with a despotic authority. Beside their *Lictors*, they had each of them by way of guard, a band of fellows without house or home, most of them infamous for crimes, or loaded with debts. But what was still more deplorable, there followed in the train of these new Magistrates a crowd of young *Patricians*, who preferring licentiousness to liberty, made their court, in the most abject manner, to the dispensers of favours; and to provide for their own pleasures, did not blush to be Ministers to those of the *Decenvirs*. There was no longer any safe asylum for beauty and virtue. Those unbridled youths, under shelter of the sovereign power, tore the daughter out of the bosom of her mother with impunity. Nor was property in lands or goods any more secure from the invasions of those creatures and supporters of tyranny; upon the most frivolous pretensions they took possession of their neighbours estates that lay convenient for them. In vain was application made to the *Decenvirs* for redress; the Complainants were treated with contempt, their complaints rejected, and favour and self-interest sat in the place of law and justice. If any citizen, warmed with a remaining spark of the ancient liberty, was so bold as to express his resentment, he was beaten with rods like a slave; others were banished; some were even put to death; and confiscation always followed the execution.

The people groaning under so cruel a tyranny, turned their eyes to the Senate, from whence they hoped for liberty. But most of the Senators, dreading the fury of the *Decenvirs*, were retired into the country. Those who staid in the city were not displeased to find that the severity of the present government made that of the Consuls regretted; and they flatter'd themselves the People would gladly give up their Tribunes, if they

Y. of R. could but be delivered from the domination of the Decemvirs.

303.
Bef. J. C. C. *Claudius*, a Consular person and *Appius's* uncle, 449.
2 Decem- deeply concerned to see his nephew make himself the
virate. tyrant of his country, went several times to his house,
D. Hal. with an intention to reprove him, and to put him in
p. 696. mind how much he shamed the memory of his ances-
tors by so odious a conduct: But *Appius* guessing at
the design of these visits, constantly eluded them, and
the venerable old man found by experience, that ty-
rants never own either relations or friends.

Livy B. 3. In the mean time the Decemvirs drew up two tables
c. 37. of Laws to be added to the ten that had been promul-
D. Hal. B. gated the year before. Among those additional Laws
10. p. 684. there was one prohibiting alliances between *Patricians*
and *Plebeians* by inter-marriage; a prohibition which
Dionysius conjectures to have been made with a view to
perpetuate the divisions between the two orders in the
Republic; the Decemvirs being apprehensive, that if
the Nobility and Commonalty should ever unite, they
would turn against them all that animosity which they
had used to express against each other.

§. III. THE body of *Roman Law* being now com-
pleted, and the sole end for which the Decemvirate
had been instituted being thereby accomplished, it was
reasonably hoped, that the tyranny which the public
Livy, B. 3. groaned under would shortly cease, and the Decem-
c. 38. virs, as soon as their year was expired, be succeeded
by Consuls. But the *Ides of May* came, and not the
least appearance of any *Comitia* for an election of new
Y. of R. Magistrates. The Tyrants then shewed themselves
304.
Bef. J. C. bare-faced, and in spite both of Senate and People re-
448.
3 Decem- tained the Government, without any other title but
virate. possession and violence. All who gave them the least
umbrage were proscribed; and many citizens volunta-
rily banished themselves from their country, taking re-
fuge among the *Latines* and the *Hernici*.

Every body secretly deplored the loss of liberty, but
not one citizen in the whole Republic was so generous
as to attempt to break her chains. The *Roman People*
seemed

seemed to have lost that courage which had formerly made them so much feared and respected by their neighbours. The nations that had submitted to the dominion of the *Romans*, began now to despise them, and they disdained to be subject to a city which had lost her own liberty. The *Sabines*, after several incursions in flying parties upon the territories of the Republic, gathered their forces together into one body, and advancing along the *Tiber*, encamped near *Eretum*, about twelve miles from *Rome*; and the *Æqui*, having first ravaged the lands of *Tusculum*, came and pitched their camp near the *Algidus*. These two armies, which seemed to threaten *Rome* with a siege, much alarmed the Decemvirs. It was absolutely necessary to raise troops; but in what method to proceed in the enrollments, whether in a way of gentleness or severity; and whether they should enlist all indiscriminately, or only those who were least disaffected to the Government; these were difficulties which at first perplexed them. Nor were they less unresolved, whether to apply to the Senate, or to the People, for a decree to levy an army in legal form, or whether they should act in this affair by their own sole authority. At length, after many councils held among themselves on this matter, they determined to convene the Senate, believing it easier to engage this body than the other to favour their pretensions; and not doubting but the People, having lost with their Tribunes the privilege of *opposition*, would readily obey a decree of the Magistrates, when it had the sanction of the Senate's authority.

It was a great surprize to the People, to hear proclamation made in the *Forum* for the Senators to meet. Thanks to our enemies, said they, for this single spark of our ancient liberty. But when the Decemvirs repaired to the Senate-house, they found no body there except their own creatures, who came prepared to act the parts which had been assigned them.

The other Senators had thrown up all care of the public affairs; and were retired, as was said before, to their country houses. The Decemvirs sent messengers

Y. of R. thither to them, appointing another Assembly for next
 304. day. Most of them returned to *Rome*, and came to
 Bef. 7. C. the Senate-house; but with views widely different from
 448.

3 Decem- those of the usurpers.
 virate.

Appius in a studied discourse having laid open the
 Livy, B. 3. necessity of taking arms, to repel the incursions of the
 & 39. *Æqui* and the *Sabines*, *L. Valerius Potitus*, without
 D. Hal. B. waiting till it came to his turn to give his opinion, pre-
 11. p. 688. sently stood up. He was the Son of that *Valerius* who
 was slain at the head of the *Romans* fighting against
Herdonius, and grandson of the famous *Valerius*, sur-
 named *Publicola*, one of the chief founders of the pub-
 lic liberty. *Appius* fearing that a man of that family
 and of the same character with his ancestors, would
 propose something contrary to the interest of the De-
 cemvirs, sternly command him to sit down and hold
 his peace, telling him, that he ought to wait 'till Sena-
 tors older than himself, and more considerable in the
 Republic, had declared their opinions first. " You say
 " very well (replied *Valerius*) had I been going to speak
 " upon the business which you have proposed; but I
 " have matters of much greater moment to lay before
 " this assembly, and what the Senate, if I mistake not,
 " will think to be much more worthy of its immediate
 " attention. Whence is it that you have the presump-
 " tion to impose silence upon me, a Senator, a *Vale-*
 " *rius*, standing up for the liberty of the Common-
 " wealth? And yet if you persist in this your insolence,
 " your accustomed insolence, to what *Tribunes* shall I
 " have recourse? You have deprived us of that suc-
 " cour which the laws had provided for every citizen
 " under oppression. But is it indeed come to this?
 " And does *Valerius*, to preserve his rights, want the
 " aid of the *Tribunitian* power? Well then, since you
 " and your Collegues have usurped that power, toge-
 " ther with the sovereignty, shall I appeal to you De-
 " cemvirs? Shall I implore the assistance of you *all*?
 " To what purpose, when my design is to lay open
 " that conspiracy which you have *all* formed against the
 " public liberty? Yet to you, *Quintus Fabius*, who
 " have

“ have been honoured with three Consulates, to you Y. of R.
 “ alone I *will* appeal. Rise, *Fabius*, if you have not ^{304.}
 “ lost that spirit which was once your glory, rise and ^{Bef. J. C.}
 “ succour the oppressed! 'Tis on you that the Senate ^{448.}
 “ turns its eyes.” ^{3 Decem-}
^{virate.}

Fabius, confounded and overwhelmed with shame, ^{D. Hal.}
 had not power to answer. But *Appius* and the rest of ^{P. 689.}
 the Decemvirs, starting up in anger from their seats,
 cried out once more to *Valerius*, commanding him si-
 lence, and adding threats to their injunctions: So ex-
 traordinary a proceeding raised a tumult in the As-
 sembly. Many of the Senators were filled with indig-
 nation at the haughty manner of the Decemvirs; but
 no body was so highly provoked at it as *M. Horatius*
Barbatus. He was grandson of that *Horatius* who had
 been Consul with *Poplicola*. As he had inherited his
 grandfather's ardent zeal for liberty, and was an inti-
 mate friend of *Valerius*, he could no longer bear the
 insolence of *Appius* and his Collegues. He stood up
 and loudly called them the *Tarquins* and tyrants of their
 country:

“ You talk to us of a war begun against us by the ^{D. Hal. B.}
 “ *Sabines*, as if the *Roman* People had greater enemies ^{11. p. 689.}
 “ than yourselves. I would gladly know by what au- ^{Livy, B. 3.}
 “ thority you convened this Assembly, and by what ^{c. 39.}
 “ right you take upon you to preside in it. Is not the
 “ time of your Magistracy expired? Do you not know
 “ that the Decemviral power was given you but for one
 “ year? We chose you to establish such laws as were
 “ fit for a free State to submit to, and you have left
 “ no appearance of that equality which was the sole
 “ object the *Romans* had in view. You have suppressed
 “ the Assemblies both of the People and of the Senate.
 “ There is no longer any mention made of elections,
 “ either of Consuls, or of Tribunes: All the annual
 “ Magistracies are abolished. It is not the name of
 “ *King* that makes a tyrant. You *Decemvirs* have to-
 “ tally subverted our Government, to build upon its
 “ ruins your own empire and domination. But know,
 “ that the blood of *Valerius* and *Horatius*, who formerly
 “ drove

Y. of R. "drove the *Tarquins* out of *Rome*, yet runs in the veins
 304. "of their descendants. We have the same courage
 Bef. J. C. "and the same zeal for the liberty of our country.
 448. "The Gods, Protectors of this city, will grant us the
 3 Decem- "same success; and I hope the People, no less jealous
 virate. "of their freedom than their ancestors, will never de-
 "sert us in so just a cause."

D. Hal. B. *Horatius* was going on with his discourse, when the
 11. p. 690. Decemvirs with loud clamours all came and surrounded
 him, threatening to have him thrown from the *Tarpeian* rock if he did not instantly hold his peace. But
 when they perceived that the Senate in general express'd
 an uncommon resentment at this tyrannical invasion of
 the liberty of speech, they presently repented of their
 rashness. *Appius* to sooth the minds of the Senators,
 having first requested and obtained a moment's silence,
 assured them, that the Decemvirs were far from having
 the least thought of hindering any one of the *Conscript*
Fathers from freely delivering his opinion: That if he
 had imposed silence upon *Valerius*, it was only to oblige
 him to conform to the ordinary method, which was that
 every man should speak in his turn, unless he was par-
 ticularly applied to by him who presided in the Senate:
 That whatever *Horatius* might imagine to the contrary,
 the right of the Decemvirs to exercise this authority did
 still subsist: That their Commission had not been limit-
 ed by the People to one year, or to any fixed period of
 time, but was to last 'till the Tables of Laws were
 compleated and passed in due form; after which they
 would lay down their Magistracy, and give an account
 of their administration. Then turning to his uncle C.
Claudius, he desired him to speak his mind with free-
 dom. He perhaps flattered himself, that *Claudius*, out
 of affection for a near relation, or moved by a zeal for
 the glory and interest of his family, or pleased with the
 honour of being the first whose opinion was asked,
 would take upon him to answer the severest parts of
Horatius's invective. But the Decemvir addressed him-
 self to a true *Roman*, one who would have sacrificed his
 own children to the preservation of the public liberty.

Claudius

Claudius observed to the Assembly, that two affairs of Y. of R. different natures were then to be considered of; a war abroad, and a remedy for the dissensions at home with relation to the Government: That as to the war, the late incursions of the enemy were wholly owing to the encouragement which the intestine divisions in the Republic gave them: That therefore the first thing to be done, was to settle peace and union in the city, after which the very appearance of the standards of the legions would be enough to frighten away the *Æqui* and *Sabines*, over whom the *Romans* had already so often triumphed: But that he doubted whether the People would range themselves under the banners of the Decenvirs, whom they justly looked upon as private men, who had usurped the Sovereign power. Then directing his speech to his nephew: “ Know you not, *Appius*, how odious your conduct is to all good men? “ The voluntary exile to which our most illustrious Senators have condemned themselves, does it not sufficiently shew that they look upon you as a tyrant? “ The Senate very impatiently bears your robbing them of their authority; the People demand their right of *Appeal*, and that of *Opposition* which you have deprived them of; all our citizens call upon you, some for their estates, which have been made a prey to your ruffians, others for their daughters, whom you have forced away to satisfy your criminal passions. “ The whole city, the whole nation detest a Magistracy, which has destroy’d their liberty, abolished the use of *Comitia*, usurped the legal authority of the Consuls, and suppress’d the functions of the Tribunes. Restore to the Commonwealth the power with which she intrusted you but for one year; restore to us our ancient form of Government; restore yourself to yourself. Call to mind your former virtue, and generously quit, together with an unwarrantable power, the very name of Decenvir, which you have made so odious. I conjure you to this by our common ancestors, by the *Manes* of your father, that illustrious citizen, who left you so noble an example

304.
Bef. J. C.
448.
3 Decem-
virate.
D. Hal. p.
691, & seq.

Y. of R. “ example of moderation, and of zeal for the public li-
 304. berty; I conjure you especially, by your own prefer-
 Bet. J. C. “ vation, and the care of your life, which you must un-
 448. “ avoidably lose by some ignominious punishment, if
 3 Decem- “ you obstinately persist to hold any longer the unjust
 virate. “ Empire which you have usurped over your fellow-ci-
 “ tizens.”

D. Hal. Thus spake *Claudius*, and the Senate at first conceived
 p. 696. hopes that the Decemvirs would be induced to lay down
 their magistracy. But *Appius* disdained to give his uncle
 any answer. *M. Cornelius*, one of his Colleagues, taking
 upon him to speak, and applying himself directly to *C.*
Claudius, told him proudly, that those who had the Go-
 p. 697. vernment of the Republic, did not stand in need of his
 advice to direct their conduct. That if he thought he
 had a right to give particular counsels to his nephew,
 he might go to him at his house; that the only affair
 in question now was the war with the *Æqui* and *Sabines*;
 “ Tell us therefore, *said he*, your opinion on this point,
 “ for on this only it was asked, and don’t waste our
 “ time in digressions that are nothing to the purpose.”

Claudius, yet more provoked at the scornful silence of
Appius, than at his Colleague’s insolent answer, rose up
 again, and turning to the Senate: “ Since my nephew
 “ will not condescend to speak to me, either in his own
 “ house, or in full Senate, and I am so unhappy as to
 “ see the Tyrant of my country arise out of my own
 “ family, I declare, *Conscript Fathers*, that I am re-
 “ solved to retire to *Regillus*. I banish my self from
 “ *Rome*, and make an oath never to enter it again but
 “ with our liberty. However, to fulfil the obligation
 “ lie under of giving my opinion, with relation to the
 “ present business, I don’t think that any levy of troops
 “ ought to be made, ’till Consuls are first chosen to
 “ lead them.”

L. Quinctius Cincinnatus, *T. Quinctius Capitolinus*, and
L. Lucretius, all Consular persons, and the principal
 men in the Senate, declared themselves of the same
 opinion. *M. Cornelius*, apprehending that the author-
 ity of those great men would draw the rest of the Sen-
 ate

nate after them, interrupted the order of gathering the Y. of R. suffrages, and asked the opinion of his brother ³⁰⁴ *L. Cornelius*, with whom he had before concerted the speech he ^{Bef. 7. C.} should make in case of such an exigence. This Senator ^{448.} then rose up, but made no attempt to justify either the ^{Decem-} virate. authority or conduct of the Decemvirs. Taking a more artful turn, he only represented to the Assembly, how expedient he thought it would be to defer the election of new Magistrates, till the enemy was driven out of the territory of *Rome*. “ Have those, *said he*, who are so ^{D. H. B.} warm for the abdication of the Decemvirs, had any ^{11. p. 698.} promise from the *Æqui* and *Sabines*, that they will put ^{8. seq.} a stop to the progress of their arms, ’till we have changed the form of our Government? You know, *Conscript Fathers*, the tedious delays which our elections require: First, there must be a *Senatus-consultum* to appoint the *Comitia* by *Centuries*. This Assembly cannot be held ’till seven and twenty days after notice given. When the new Magistrates are named, and have taken possession of the Government, they must prefer a petition for the levies to another Assembly of the People; and before all these things can be done, and the necessary troops can be raised to repel the enemy, who will warrant us that we shall not see them at the gates of *Rome*, and in a condition to lay siege to the city? And what shall we do in this case? Doubtless we shall say to the *Æqui* and *Sabines*, *A little patience, if you please. Suspend your attacks till we have chosen other Magistrates.* *Caius Claudius* has persuaded us not to pass any Decree for raising forces, unless new Generals be first elected to command them. Be gone therefore out of our territory, and when you hear that the Roman People have created *Consuls*, and that we have made all necessary preparations for war, you may then return and sue to us for peace. Strange infatuation! that such follies should ever enter into the minds of men. Nor surely less strange

“ is

* He had been Collegue to *Q. Fabius* in the third Consulate of the latter.

Y. of R. 304. B.C. 448. 3 Decemvitate. " is our stupidity, that we can hear these triflers without indignation, as if we were consulting for the safety of our enemies, not the preservation of our country. My opinion, *Conscript Fathers*, is, that our Decemvirs immediately inlist the legions, and march against our enemies. Let us drive them from our frontiers, let us force them, by the terror of our arms, to beseech us to grant them peace; and when we have secured ourselves abroad, then let us employ our thoughts upon our affairs at home: Revoke by your authority that of the Decemvirs, if they will not of their own accord divest themselves of it: Call them to an account for their administration; elect new Magistrates in their room; and let the Republic return again to her ancient constitution: But permit me to tell you, that in matter of Government, we must regulate our proceedings by the times, and never hope to make the times subservient to our desires and projects."

D. Hal. p. 700. The creatures of the Decemvirs declared loudly for this opinion, and the greater part of the Senators came into it, some as thinking it necessary in the present conjuncture, and others out of fear of the Tyrants. Nay, some of the oldest Senators took the same side, in hopes that after the war was finished, the abdication of the Decemvirs would quietly follow of course, and so the Government return naturally into the hands of the Consuls; and that prudent Magistrates by their moderation might perhaps gradually accustom the People to do without their Tribunes.

Livy, B. 3. c. 41. *Appius*, who with a secret pleasure saw that the majority were of the opinion of *Cornelius*, did then only for form sake desire that of *Valerius*, on whom he had imposed silence at the beginning of the Assembly. *Valerius* rising up, spoke to this effect, " You see, *Conscript Fathers*, the crafty and deceitful management of these Decemvirs. My mouth was stopt so long as they apprehended that what I had to offer might make some impression upon the Assembly to the disadvantage of their pretensions: but now when the majority

D. Hal.
B. 11.
p. 700,
706

" rity has declared for the opinion of *Cornelius*, why ^{Y. of R.}
 " now truly they condescend to ask me mine, imagining ³⁰⁴
 " doubtless, that nothing which I can say, be it ever to ^{Bef. J. C.}
 " reasonable, will be of any effect. I shall nevertheless ^{448.}
 " deliver my thoughts with freedom, and you are still ^{Decem-}
 " masters to determine as you shall judge to be most ^{virate.}
 " for the good of the Republic.

" I declare then, in the first place, that I heartily
 " subscribe to what *C. Claudius* has so wisely represented
 " to you concerning the expediency of creating new
 " Magistrates before we take the field. But since *L.*
 " *Cornelius*, the avowed advocate of Tyranny, has en-
 " deavoured to turn so judicious a counsel into ridicule,
 " upon pretence that the delays requisite for the elec-
 " tion of those Magistrates would waste the time that
 " should be employ'd in repelling the enemy, I think
 " myself obliged to shew you the weakness and fallacy
 " of this wretched reasoning. To convince you that
 " such it is, do but call to mind the measures which
 " the Republic took about ten years ago, against the
 " same enemies, in the Consulate of *C. Nautius* and *L.*
 " *Minutius*.

" You know, that while *Nautius* was on one side
 " fighting against the *Sabines*, *Minucius*, on the other,
 " suffered himself to be shut up by the *Æqui* in the nar-
 " row passes of some mountains. There was a necessity
 " of raising a new army to relieve him; the Tribunes
 " (according to custom) opposed all levies of troops, un-
 " less the Senate would admit the Law concerning the
 " partition of the lands. In this extremity, as neither
 " party would abate any thing of its pretensions, re-
 " course was had to a Dictator, a Magistrate superior
 " both to the Senate and the Tribunes of the People,
 " *L. Quinctius* was chosen; he was sent for out of the
 " country; he came to *Rome*; he raised a new army,
 " and in a fortnight's time brought off that of *Minucius*;
 " and triumphed over the enemy. What hinders, in
 " the present exigence, to follow so wise and so recent
 " an example? Let us chuse an *Inter-rex*, as was the
 " practice upon the demise of the Kings, and has ever
 " been

Y. of R. " been the practice when the State happened to be left;
 304. " as it is now, without legal Magistrates. Let him
 Bef. J. C. " name a Dictator. These things may be done in less
 448. " than a day. The Dictator will raise troops by the
 3 Decem- " supreme power belonging to his dignity; we shall
 virate. " march against our enemies without delay; and at
 " our return from the campaign, that Magistrate,
 " whose power cannot last longer than six months, will
 " give us an opportunity to proceed at leisure, and ac-
 " cording to the usual forms, upon the election of Con-
 " suls. If on the other hand you intrust the command
 " of your armies with the Decemvirs, do you imagine
 " that these ambitious men who have usurped a tyranni-
 " cal power, and in spite of all our laws refuse so ob-
 " stinately to deliver up the Fasces, will easily be
 " brought to lay down their arms? Believe rather they
 " will turn them against you yourselves, and make use
 " of them to perpetuate their tyranny. I demand there-
 " fore, that, in the extreme danger wherein the public
 " liberty now is, the proposal I make to name a Dicta-
 " tor be examined, and the opinions and votes of the
 " Senate taken thereupon."

D.H.B. 11. Almost all the Senators who were to speak after *Val-*
 p. 702. *erius* declared for this motion, as did also many of those
 who had before voted for the continuation of the Decem-
 virate. But *Cornelius* cried out, that the affair upon
 which the Senate had met was already decided,
 and that nothing new ought now to be proposed. A
 warm dispute hereupon arose, with much clamour and
 tumult. *Appius*, taking advantage of the disorder to
 accomplish his desires, stepped forth into the midst of the
 Assembly, and spoke thus: " You were called together,
 " *Conscript Fathers*, to deliberate concerning a war with
 " the *Æqui* and *Sabines*. *Claudius*, *Cornelius*, and *Val-*
 " *erius*, have given different opinions. The voices of
 " the Assembly have been all taken, and the opinion of
 " *Cornelius* has prevailed." He added with a contemp-
 " tuous smile, " As for *Valerius* and his friends, if ever
 " they attain to the Consulship, let them, if they please,
 " revise and make void Decrees, which you in your
 " wisdom

"wisdom have thought fit to pass." This said, he or-^{Y. of R.}dered the Secretary to read aloud the *Senatus-consultum* ³⁰⁴
(which he had already made him draw up in writing) ^{Bef. J. C.}
empowering the Decemvirs to raise Troops and to con-^{448.}duct the war. He then dismissed the Assembly, and ^{3. Decemv.}withdrew. ^{virate.}

§. IV. THE new powers which by this Decree were granted to the Decemvirs, not only in some manner confirmed their authority, but made it more formidable than ever. They employed it to revenge themselves of their *D. Halk* personal enemies, and they reckoned as such all those ^{p. 703} who did not submit to be their slaves. The most timorous among the citizens became as submissive and complying as the tyrants could wish: Others, less fearful, only quitted all attention to public affairs, and turned their thoughts to live in quiet: But the men of courage and spirit, held private Assemblies to concert measures for restoring liberty to the Commonwealth. At the head of these were *Valerius* and *Horatius*. They gathered together in their houses a great number of their friends and clients to secure them against the violence of the *Decemvirs*; and they never appeared in the city, without a powerful attendance strong enough to repel the insults they had reason to expect. As for *C. Claudius*, he left *Rome*, as he had declared in full Senate he would do, and retired to *Regillus*, the native city of his ancestors. Other Senators and many of the principal Citizens of *Rome*, who could not endure the Tyranny of the *Decemvirs*, and yet found themselves unable to destroy it, sought an asylum in the country, or among the neighbouring nations. *Appius* enraged to see so convincing ^{p. 704} proof given of the aversion which the best men in the Republic had to his Government, placed guards at the city gates: But finding that this precaution only increased the number of the malecontents, and fearing a general revolt, he removed that guard, leaving every body free to retire that would: But to be revenged of those who withdrew, he confiscated the Effects they had in *Rome*; with which he paid and rewarded his ruffians.

Y. of R.

§. V. AND now the Decemvirs began to raise troops

304.
Bef. J. C.

for the war. Ten legions, soon compleated, were divided into three Bodies. The Decemvirs agreed among

448.
3 Decem-
virate.themselves, that *Appius* and *Oppius*, invested with an

Livy, B. 3.

Authority equal to that of All the Decemvirs united,

c. 41. 42.

should remain at *Rome*, and keep a garrison, consisting of two legions, in the capitol. *Q. Fabius Vibulanus*, with whom two other of the Decemvirs, *Q. Petilius* and *M. Rabuleius*, were joined in commission, marched against the *Sabines* at the head of three legions. *M. Cornelius*, *L. Minucius*, *M. Sergius*, *T. Antonius*, and *C. Duilius*, all Decemvirs, led five legions against the *Æqui*. The auxiliary Troops of the *Latines* and other Allies were, according to *Dionysius*, equal in number to the *Romans*. Nevertheless with this mighty force the generals could effect nothing. The *Roman* soldiers having a quick sense of their loss of liberty, would not conquer, for fear of increasing the power of the Decemvirs. Both armies suffered themselves to be defeated almost without fighting. The legions appointed against the *Sabines*, after some slight losses near *Eretum*, made a hasty retreat in the night, and pitched their camp in the territory of *Rome*, between *Fidenæ* and *Crustumeria*. And as for those who were to act against the *Æqui* (posted upon the *Algidus*) they lost their camp and baggage, and fled for refuge to *Tusculum*. The news of these defeats was received at *Rome* with the same joy that would at another time have been shewn for a compleat victory.

D. Hal.

B. 11.

p. 706.

Appius, attentive to all events, sent recruits and provisions to his Collegues. He exhorted them, by letters, to keep the soldiers in awe by the terror of punishment, unless they judged this method to be dangerous in the present conjuncture. In that case, *be added*, that they would not want opportunities during the campaign, to destroy the most mutinous by private ways; and he himself set them an example.

Sicinius Dentatus, that renowned *Plebeian*, who had been in 120 engagements, filled the ears of the multitude with the faults which he affirmed the Decemvirs had

had committed in the management of this war. *Appi-* Y. of R.
us, to get him out of *Rome*, pretended an earnest desire ^{304.}
to consult him upon the operations of the campaign. *Bel.* J. C.
He sent for him, discoursed with him several times, ad- ^{443.}
mired his wisdom, and engaged him to go to the army ³ Decem-
at *Crustumeria* and assist the Generals with his Counsels. *virate.*
And the sooner to induce him to make the campaign;
he dignify'd him with the character of Envoy or Legate,
which among the *Romans* (according to *Dionysius*) not
only gave him who was honoured with it the authority
of a General, but made his Person sacred and inviola-
ble, as that of a Priest.

Sicinius, free from distrust, and with the sincerity of *D. Hal.*
a brave soldier, gladly embraced an opportunity of serv- *B. 11.*
ing his country. He repaired to the camp with all *P. 707d*
speed. The Decenvirs, instructed by *Appius*, received
him with outward marks of joy, and treated him with
distinction. Nothing was undertaken without his ad-
vice; but this seeming deference concealed a real de-
sign of making away with him. An occasion soon of-
fered. *Sicinius*, with his accustomed frankness, having
told the Decenvirs, that he thought they should re-
move their camp into the enemy's territory, for many
good reasons which he laid before them, they commis-
sioned him to go and view the situation of the country,
and mark out the ground for a new encampment; and
they appointed him a hundred chosen men light-armed
to be his guard; but this guard consisted only of the
Decenvirs ruffians, who had secret orders to dispatch
him. *Sicinius* having led them into the narrow passages
of some mountains, they took that opportunity to fall
upon him. He no sooner perceived their base design,
but setting his back against a rock, that he might not
be attacked behind, he received them with a courage
that struck terror into the boldest of them. Calling up
all his ancient valour, he slew several of the assailants,
and wounded others: And now not one of them durst
venture near him: They stood at a distance and threw
their darts at him. But as even this did not effect
their purpose, the villains climbed up to the top of the
rock,

Y. of R. rock, and thence knocked him on the head with stones.
 304.
 Bel. J. C. They then went back to the camp, and gave out that
 448. they had fallen into an ambush, in which they had lost
 3 Decem- their captain, and part of their comrades. At first they
 virate. were believed; but when a band of soldiers, who, with
 Liv. B. 3. the Decemvirs permission, went to fetch the body of
 c. 43. *Sicinius* in order to its burial, came to the place of action,
 D. Hal. p. they perceived that the slain were all *Romans*; that they
 708. were all fallen with their faces towards him, and that
 none of them were stripped either of their arms or
 cloaths. All these circumstances laid together, made
 them suspect that the brave veteran had been murdered
 by his guard. This suspicion prevailing throughout the
 camp, raised loud complaints and a general discontent.
 P. 709. The whole army with great fury demanded that the as-
 sassins should be brought to justice. But the Decemvirs
 helped them to make their escape; and, because the
 soldiers seemed resolved to have the body of *Sicinius* im-
 mediately conveyed to *Rome*, they with all expedition
 gave it an honourable funeral at the public expence.
 These proceedings of the Generals made it but too evi-
 dent, that *Sicinius* had not been murdered without their
 privity; and the discontent which so odious a treachery
 excited in this army rose to such a height, that the great-
 er part of the soldiers began to think in earnest of revolt-
 ing from the Decemviral Government. A new attempt
 of *Appius*, which was still more hateful, and which filled
 up the measure of his extravagant enormities, produced
 in the city and in the other army, a yet greater detesta-
 tion of the present tyranny.

C H A P. XXIX.

§. I. *Appius (at Rome) falls in love with Virginia, a beautiful young woman, the daughter of a Plebeian. The wicked stratagems, which he employs to force her from her parents, that he may gratify his passion, occasion the abolition of the Decemvirate, and restoration of the Consulship. Valerius and Horatius are chosen Consuls. Revenge is taken on the late Decemvirs.*

§. I. IT

§. I. **I**T has been already said, that *Appius*, by agree-^{Y. of R.}ment with his Collegues, staid at *Rome* with a³⁰⁴ body of troops to keep the inhabitants in obedience to^{Bef. J. C.} the Decenvirs. As he was one day going to his Tri-^{448.}bunal, he accidentally cast his eyes on a young virgin^{Decem-} of uncommon beauty, who was reading her book in one^{virate.} of the publick schools. (In these times it was customary at *Rome* for young persons of that sex, as well as of the other, to pursue their proper studies in schools that were purposely erected for them in the *Forum*.) Her charms, and the blooming graces of youth, immediately drew his attention. He could not help beholding her with a secret pleasure: His curiosity increased the next day; he thought her more lovely than before; and as he was obliged to pass often by the school, he insensibly conceived a most violent passion for her. Upon enquiry after her family and condition, he learnt, that she was by birth a *Plebeian*; her name *Virginia*; that she had lost her mother, *Numitoria*; that her father, *Virginius*, then served in the post of Centurion in the army employ'd against the *Æqui*, and that he had promised his daughter to *Icilius*, who had been Tribune of the People, and who was to marry her at the end of the campaign.

This account, so unfavourable to *Appius's* passion, served only to increase it. He would gladly have married *Virginia*, but he had a wife already; and had this not been the case, the last laws of the twelve tables, of which he was the chief framer, prohibited all inter-marriages of *Patricians* with *Plebeians*; so that he had no room to hope for the accomplishment of his wishes, but by the scandalous means of debauching the young maid.

The innocence and modesty of *Virginia* restrained him from opening his dishonest purpose directly to her self. He thought it more proper to begin the work by means of one of those women of intrigue, who make a private market of the beauty and charms of youth. He^{D. Hal.} loaded her with favours, and having let her into his de-^{B. 11.} fires, ordered her not to name him, but to say only,^{P. 710.} that *Virginia's* lover was a man in power, who could do^{Livy, B.} much^{3. c. 44.}

Y. of R. much good or much hurt to others, according to his
 304. pleasure. This woman applied herself to *Virginia's*
 Bef. J. C. nurse, made her rich presents, and richer promises;
 448. and having thus paved the way, came at length to the
 3 Decem- subject of her errand. But the nurse, equally faithful
 yirate. and prudent, not only rejected the proposal with hor-
 ror, but kept now a more watchful eye upon her
 charge than ever. *Appius* learned with grief, that it
 was impossible either to deceive or to corrupt her.

However, his passion growing still more furious by
 the difficulties it met with, he had recourse to another
 stratagem more bold and impudent, and which, if it
 succeeded, would put *Virginia* wholly in his power.
 For the execution of this new scheme he employ'd a
 client of his, named *M. Claudius*, a man without shame
 or fear, and one of those who introduced themselves
 to the ear of the great, by the sole merit of a base
 complaisance for their pleasures. This Minister of the
 Decemvir's passion, taking with him a band of fellows
 like himself, entered the public school where *VIRGI-*
NIA was, and seizing her by the arm, would force her
 away to his own house, under pretence that she was
 the daughter of one of his slaves. He was already
 dragging her all in tears through the *Forum*, when the
 People, hearing a great cry, flock'd about him, and
 being moved with so piteous a sight, obliged him to let
 go his hold. The Villain perceiving that he could not
 execute his first design, pretended, that he had not
 meant to use any violence, but to proceed in due course
 of law; and he cited her to appear immediately before
 the Decemvir. *Virginia* by the new Laws was obliged
 to follow the claimant to the tribunal of justice, where
Appius was that day designedly alone upon the bench.
 The multitude all attended her, some out of curiosity
 to see the issue of so strange a business, and others out
 of affection to *Scilius*, who during his Tribunate had
 made himself very agreeable to the People. *Claudius*
 was going instantly to open his claim; but the People
 full of indignation cried out, that he ought to wait 'till
Virginia's relations, who had been sent for, were come.

To

To this the Judge consented; and *Numitorius*, the Y. of R. uncle of the young woman, arrived soon after with a great number of his kinsmen and friends. 304.
Bef. J. C.

Silence being then made, *Claudius* set forth, that *Virginia* was born in his house; that she was privately stolen away by a slave her mother, who, to conceal her theft, had pretended to be delivered of a dead child: But that it had since been discovered that she had sold this girl to *Virginus's* wife, who was barren, and who, being uneasy at having no child, had made *Virginia* pass for her daughter: That he would soon produce undeniable testimonies of what he advanced; that in the mean while, it was but just that a slave should go with her master; and that he would give good security for her appearance again, if *Virginus*, at his return, still pretended to be her real father. 448.
3 Decemvirate.

§. II. *NUMITORIUS* presently saw that there was somebody of much greater weight and power than *Claudius* at the bottom of this contrivance; but he prudently concealed his suspicions, and represented to the Decemvir with a great deal of calmness, that his niece's father was absent in the service of his country; that it was highly unjust to dispute a citizen's right to his very children, when he was not present to assert it; that *Virginus*, upon notice, would not fail to be at *Rome* in two days, 'till whose return it was but fitting that her uncle should have the care of her. *Numitorius* offered to give any security whatsoever for producing her again; but he said it was not reasonable to trust the daughter of *Virginus* in the house of such a one as *Claudius*, where her honour would be in danger even more than her liberty. He added, that what he demanded was conformable to the laws, which ordained, that during a law-suit, and before a definitive sentence, the plaintiff should not disturb the defendant in his possession. D. Hal. B. 11. p. 711.
Liv. B. 3. c. 44.

The whole Assembly shewed by their applauses, that they thought this request to be perfectly just. *Appius* having caused silence to be proclaimed, and affecting the impartiality becoming a Judge, declared that he

Y. of R. 304. should always be the protector of so reasonable a Law,
 Bef. J. C. 448. and which he himself had inserted in the Twelve Ta-
 3 Decem- bles: But that in the present dispute there were some
 Virate. particular circumstances which alter'd the case; that
 here were two persons claiming, one as a father, the
 other as a master; that if he who pretended to be the
 father of *Virginia* were present, he indeed ought to be
 allowed the possession of her till the decision of the
 contest, but that he being absent, the person who
 claimed her as his slave ought to have that possession,
 giving good security, however, to produce her again
 at the return of him who was called her father. This
 said, he ordered VIRGINIA to be delivered up to
Claudius.

All the People present exclaimed against so iniquitous
 a Decree, and nothing was to be heard but cries of
 indignation, shrieks and lamentations. The women
 with tears in their eyes gathered round *Virginia*, and
 placed her in the midst of them, as if they meant to
 defend her. In this instant ICILIUS, to whom she
 had been promised in marriage, came running into
 the *Forum* with fury in his eyes, and loudly demanding
 who he was that durst to lay violent hands upon a free
 woman, and what were his pretensions? *Appius* who
 Livy B. 3. perceived him breaking through the crowd, ordered a
 C. 45. Lictor to oppose his passage, and to tell him that the
 affair was already judged. But nothing could stop the
 enraged lover; he forced his way up to the Tribunal,
 and taking *Virginia* in his arms, "No, *Appius*, be
 "cried, nothing but death shall separate me from her.
 "If thou wouldest have thy vile artifices concealed,
 "thou must murder me. Assemble all thy Lictors,
 "and if thou wilt, those of thy Collegues too; bid
 "them prepare their rods and axes, but to my last
 "breath I will defend her honour. Have you depriv-
 "ed the *Romans* of the protection of their Tribunes,
 "that you may subject their wives and daughters to
 "your lewdness? Go on to exercise your rage in
 "scourging and slaughtering the *Roman* Citizens, but
 "let modesty and chastity escape your tyranny. *Vir-*
 "ginia

“*ginia* is mine, she is promised to me, and I expect
 “to marry a virgin pure and unspotted. I will re-
 “ceive her from no man’s hands but her father’s. If
 “in this absence any attempt be made to do her vio-
 “lence, I will implore the aid of the *Roman People*
 “for my wife; *Virginus* will demand the assistance of
 “his fellow-soldiers for his daughter; and both Gods
 “and Men will be on our side.”

The People, equally moved with his misfortune and
 his courage, fell upon the Lictors who were forcing a-
 way *Virginia*, dispeffed them, and obliged *Claudius*
 himself to seek refuge at *Appius’s* feet. The Assembly
 was full of noise and confusion. The tumult increased
 by the arrival of those who flocked to the *Forum* from
 all parts of the city. *Appius* quite stunn’d at seeing to
 what a degree the People were incensed against him,
 was for some time in doubt what measures to take.
 At length, having caused silence to be made: “It is
 “well known (*said he*) *Scilius* only wants an opportuni-
 “ty of restoring the Tribuneship by means of a sedi-
 “tion. But that he may have no pretence of com-
 “plaint, I am willing to wait for *Virginus’s* return
 “till to-morrow. Let his friends take care to give
 “him notice. It is not above four hour’s journey
 “from hence to the camp. I will prevail upon *Clau-*
 “*dus* to yield up somewhat of his right for the sake
 “of the public peace, and to let the girl remain in li-
 “berty ’till the return of the man she imagines to be
 “her father. But in case *Virginus* does not appear
 “to-morrow, I would have *Scilius* know, that I shall
 “not want any assistance from my Collegues to put
 “my decree in execution, or to keep in awe such fe-
 “ditious spirits as he.”

Claudius, feigning to admit unwillingly of this delay,
 requested that at least *Scilius* might give security for
 producing *Virginia* on the morrow. The People all a-
 round immediately held up their hands, and every man
 offered eagerly to be his security. *Scilius*, touched with
 the affection of his fellow-citizens, broke into tears,
 while he returned them thanks. “To-morrow, *said*
 “*he*,

Y. of R. "be, if there be occasion, we will make use of your
 304. "assistance. To-day, I hope they will be satisfied with
 Bel. J. C. "my security and that of all *Virginia's* Relations."

448.
 3 Decem- *Appius*, though intoxicated with his passion, durst
 virate. not refuse such Bail: But he privately dispatched a
 D. Hal. B. messenger to his Collegues who commanded the army,
 11. p. 714. intreating them to arrest *Virginus* upon some pretence
Livy, ibid. or other, and to keep him in close prison. He thought
 that, the Father not appearing at the time appointed,
 he might then with a good colour deliver up the daugh-
 ter into *Claudius's* hands: But his courier arrived at
 the camp too late. *Numitorius's* son, and a brother of
Scilius had been beforehand with him; and *Virginus*,
 upon the first notice of his daughter's danger, pre-
 tending the sudden death of some relation, had obtain-
 ed leave to return to *Rome*, and was already gone.
 And he had the good fortune to escape two Parties of
 horse, one of which, upon the receipt of *Appius's* Letter,
 the Decemvirs sent after him to stop him, and the o-
 ther, which *Appius*, with the same design, had placed
 in the road that led from the city to the camp.

Livy B. 3. He appeared the next morning in the *Forum* pierced
 c. 47. to the heart with grief, and leading by the hand his
 daughter all drowned in tears: She was accompanied
 by her kinswomen, and by a great number of other
 ladies. *Virginus*, as he passed along, addressed him-
 self to his fellow-citizens with an air of dignity, that
 seemed to demand their assistance, rather than to implore
 it. "To what purpose, said he, do we every day ex-
 "pose our lives in war to defend our wives and chil-
 "dren from a foreign enemy, if our Tyrants at *Rome*
 "exercise upon them all the violence that can be
 "suffered in a city taken by assault?" *Scilius*, quite
 furious with love and resentment, inveighed loudly
 against *Appius*, without any reserve: But the silent
 tears of the whole train of women affected the mul-
 titude more than any words or exclamations.

D. Hal. B. §. III. *APPIUS* heard with extreme surprise that
 11. p. 715. *Virginus* was in the *Forum*. Full of rage and vexation
 he

he repaired instantly thither, with a numerous * guard of his dependants and creatures. Having ascended his Tribunal, he bid *Claudius* open his demand, and proceed in his action. *Claudius* then repeated what he had said the day before, and at the same time produced the slave, whom he had suborned, and who out of fear of her master, declared, that she had sold *Virginia* to *Virginus's* wife. The claimant added, that he had many other credible witnesses to produce, if there were occasion; and that he humbly hoped, his being the Judge's client would not be thought a good reason for refusing him that justice, which every other man would obtain in the like case: And he concluded, with intreating the *Decemvir* not to suffer himself to be influenced by his compassion to the prejudice of truth and right.

The friends and relations of *Virginia*, to destroy this imposture, represented, that her mother *Numitoria*

Y. of R.
304.
Bef. J. C.
448.
3 Decem-
virate.

D. Hal. B.
11. p. 715.
& 716.

* Mr. *Vertot*, B. 5. p. 71. quotes *D. Hal.* as saying, B. 11. that *Appius*, to prevent all resistance, ordered down the troops [2 legions] that were in the Capitol, and that they took possession of the *Forum*. And he soon after quotes *Livy*, as telling us, that the multitude were attacked by *Appius's* soldiers. There is nothing either in *Dion.* or *Livy*, from whence it can be gathered, that *Appius* employed soldiers on this occasion. It is true, *Dion. Hal.* represents him saying to the People, that the troops in the Capitol were not placed there only for defence against a foreign enemy, but also to prevent sedition in the city. And *Livy* (c. 48.) makes him insinuate to the People, in order to terrify them, that he has brought down some armed men from the Capitol. But we do not find in either of those two historians, that these armed men ever appeared. *D. Hal.* says, p. 4. that *Appius* came to his Tribunal, *μὴ δὲ πολλὰ φίλους*, but it was *οὐκ ἐν πολλοῖς*, (a great company of his friends and clients) as appears by the context. And *Livy* (c. 49.) having mentioned the assistance which *Appius's* Lictors met with when they would have seized *Scipio*, adds, *Quum locus adeundi apparitoribus non daretur, ipse cum agmine Patriciorum juvenum per turbam vadens in vincula ducitur.* *Appius*, the most despotic Magistrate that had appeared in Rome since *Tarquin*, did not venture to exercise so avowed a tyranny, as to employ his armed soldiers to attack unarmed citizens. This is evident, not only from what the Historians say of those who aided and abetted him, but from his being worsted in the conflict with his adversaries.

could

Y. of R. could have had no temptation to practise such a fraud as was pretended; that she was married very young, and to a man almost as young as herself; that she bore a child in a very few years after her marriage; that if she had proved barren, and had been minded to introduce a stranger into her family, she would never have taken the child of a slave, and certainly not a girl, when she might as easily have had a boy. That as to those many credible witnesses which *Claudius* talked of producing, it was highly improbable that a transaction which required so much secrecy, should be imparted to many persons, when one was sufficient for the purpose. That granting *Numitoria* to have been guilty of so strange a folly, it was yet stranger that an affair intrusted with so many confidants should remain so long a secret. That it was impossible to account why *Claudius* himself should be so profoundly silent in this affair for fifteen years, and should never declare his pretensions till the young woman was become marriageable, and appeared in that wonderful degree of beauty.

At these words all eyes were turned upon *Virginia*; the modesty of her countenance, her tears, her youth, her innocence, and, above all, her amazing beauty, which clouded as it was with excessive grief, had yet a surpassing lustre, fill'd every breast with the most tender compassion. Nor could they help reflecting with extreme concern and terror, that if the laws of liberty were thus violated in the person of this young maid, there could be no longer any security for wives or daughters against the like dishonour. For every body was already convinced, that the allegations of *Claudius* and his witness were mere imposture, and the wicked contrivance of some dignified villain, who thought himself at liberty to do whatever he pleased.

But to those arguments, shewing the improbability of what *Claudius* had alledged, *Virginus* added, that he had witnesses of unquestionable credit ready, (whom he named, and who he desired might be strictly examined) who would testify, some, that they had seen

Numitoria

Numitoria big with child, others, that they had been Y. of R. present when she was delivered of this daughter, and others, that they had seen her give suck to young *Vir-* ³⁰⁴ *ginia*, which she could not have done, had she been ^{Bel. J. C.} _{448.} ³ Decemvirate. barren, as *Claudius* pretended.

Virginus was still going on with his plea, when *Appius* perceiving the impression that was made upon the Assembly by those unanswerable reasons which had been offered, and being determined at any rate to accomplish his enterprize, interrupted him, and commanded silence, signifying, that he himself had something to say. All the People being curious and anxious to know what it was, were presently still, and listened to him with attention.

The Decemvir having first cast his eyes on all sides to observe his strength, and how his friends were posted, "*Virginus*, said he, I must acquaint you, and all who are here present, that this is not the first time I have heard of this affair. I was told of it long before my election to the Decemvirate. *Claudius's* father, at his death, desired me to be guardian to his son; (his ancestors, you know, were always clients of our family.) Intimations were soon after given me, that I ought to claim this young slave in right of my ward. Hereupon I examined into the matter, and found the fact to be exactly as *Claudius* has represented it. However, I did not think it became me to meddle in an affair of this nature, but chose rather to leave it for him to manage when he should come of age, when he might either take back the girl, or accept of a sum of money for her from the parties who had bred her up. Our civil feuds, and the hurry of public business, hindered me afterwards from giving any attention to the concerns of *Claudius*. He has applied himself of late, I suppose, to examine into the state of his affairs, and he finds this girl to belong to him, as part of his inheritance. I can see nothing unjust or unreasonable in the demand he makes, to have the daughter of his slave restored to him. It would have been better indeed if the thing

" could

Y. of R. "could some way or other have been compromised.
 304. "But since a suit has been commenced upon it, I am
 Bef. J. C. "obliged in conscience to give testimony in his favour;
 448. "and upon what I myself know, I do, as Judge, pro-
 3 Decem- "nounce him lawful master of this girl."
 virate.

Virginus, provoked to the highest pitch at so unjust
 and cruel a sentence, no longer kept any measures with
 the Decemvir. Holding up his hand at him, "*Appius*,
 "I promised my daughter to *Scilius*, and not to thee.
 "I educated her for honourable marriage, and not to
 "be a prey to an infamous ravisher. What? Is the
 "lawless lust of savage beasts to prevail among us?
 "How the citizens *here* will bear with these things, I
 "know not; but I trust that those who are *in arms* will
 "not endure them."

The People at these words set up a loud cry full of
 indignation, and they seemed at first as if they would
 oppose the execution of *Appius's* decree. But the De-
 cemvir with a threatening voice told them, that he was
 not unacquainted with the seditious meetings which had
 been held the night before, nor with the plots there
 laid to cause an insurrection, but that he wanted neither
 power nor resolution to chastise those who should dare
 to disturb the public peace; that the soldiers in the Ca-
 pitol had not been placed there only for defence against
 the foreign enemy: and he advised them, therefore to
 be careful of their behaviour, and to retire quietly to
 their own houses. "And you, *said he*, (*speaking to one*
 "of his *Lictors*) go put aside the crowd, and make
 "room for a master to lay hold of his slave."

The multitude terrify'd at these menaces, and the
 wrathful manner in which they were uttered, instantly
 gave back, and left the unhappy *Virginia* standing by
 herself, a helpless prey to injustice. *Virginus*, who
 then saw that there was no other remedy, turning to-
 wards the Decemvir, in humble manner thus address'd
 him: "Pardon, *Appius*, the unguarded words which
 "escaped from me in the anguish of a fatherly grief,
 "and allow me, if you please, before *Claudius* takes a-
 "way the girl, privately to ask, in her presence, some
 "questions

" questions of her nurse, that I may be set right in Y. of R.
 " this matter, and, in case *Virginia* be not really my ^{304.}
 " daughter, may return to the camp in less affliction." ^{Bel. J. C.}

Appius readily granted him this request, upon condi- ^{448.}
 tion however, that it should be in *Claudius's* sight, and ^{3 Decem-}
 without stirring out of the Forum. *Virginius*, pierced ^{virate.}
 to the heart with the sharpest sorrow, took his daughter,
 half dead, in his arms; he wiped away the tears in *D. Hal. p.*
 which her face was all bathed, embraced her, and ^{718.}
 drawing her near to some shops which were on the side ^{Liv. B. 3.}
 of the Forum, chance directed him to a butcher's ^{c. 48.}
 knife: having instantly seized it, " My dear daughter,
 " this is the only way to save thy honour and thy li-
 " berty:" as he said these words he plunged the
 knife into her heart: then drawing it out again all
 smothering with her blood, he turned towards the Tri-
 bunal, and with a furious voice cried out, " By this
 " blood, *APPIUS*, I devote thy head to the infernal
 " Gods."

The Decemvir, from his Tribunal, called out in the
 greatest fury, to seize him; but he with the knife in
 his hand made his way through those who would have
 stop him, and being favoured by the multitude, got
 out of the city, mounted his horse, and took the road
 to the camp. In the mean while, *Numitorius* and *Ici-*
nius raised a great commotion in *Rome*; they staid by
 the dead body of *Virginia*, shewed it to the eyes of the
 People, and besought them not to let her death go un-
 revenged. Crowds flocked to the *Forum* from all parts;
 they uttered bitter exclamations against the Decenvirs,
 and demanded the re-establishment of the ancient go-
 vernment and of the Tribunes. As for *Appius*, he was
 now returned to his own house. He had waded through
 an ocean of wickedness, to reach a prize which escaped
 him for ever, in the very moment he thought to take
 possession of it. He had been a spectator of the mur-
 der of her, whom he loved to excess, a murder of
 which he himself was the cause; and by his last stroke
 of tyranny had made sure of the extreme hatred and
 indignation of the *Roman* People. Stung with these
 reflections,

Y. of R. reflections, he seemed to have quite lost his reason. Instead of endeavouring to pacify the multitude, he sent his Lictors to seize *Icilius* and carry away the dead body from the *Forum* . The People opposed the execution of his orders, and, being now urged to fury, fell upon his Lictors; broke their fasces, and drove them out of the *Forum* . *Appius* hereupon getting together, as fast as he could, a great number of his friends and clients, came in person to support his authority. But *Valerius* and *Horatius* , those sworn enemies of the Decemvirs, having had notice of his motion, had put themselves at the head of a band of brave young men, marched them into the *Forum* , and placed them round the body of *Virginia* . At first the two parties discharged their fury against each other in mutual reproaches and invectives: but they soon after came to blows. *Appius* was worsted and repulsed. In this perplexity not knowing what else to do, he got up into the Temple of *Vulcan* , and there took upon him to act the part of a Tribune of the People, demanding that *Valerius* and *Horatius* should be thrown head-long from the *Tarpeian* rock, as disturbers of the public peace: but the multitude hissed at so senseless a discourse; and in the mean time *Valerius* , having caused the body of *Virginia* to be carried to the top of a flight of steps, where the People might see it, was from the same eminence inveighing against *Appius* . Most of the Decemvir's auditors soon left him to go to *Valerius* , who thereupon assuming the authority of a Magistrate, commanded the Lictors to pay no more attendance on a private person. And now *Appius* terrified at the desertion of many of his Creatures whom he saw changing sides, believed his life to be in danger; hiding therefore his face with his robe he fled, and took refuge in a neighbouring house. At this juncture *Oppius* the Plebeian Decemvir rushed from another side into the Forum to succour his Collegue. But he came too late. Force had got the better of authority. He judged therefore that the wisest method in the present exigence was to assemble the Senate; and this in a great measure quieted the

the People; for they hoped that the Decemvirate would speedily be abolished. But those of the Fathers who happened to be in *Rome* were most of them friends to the present Government; they only ordered the People to behave themselves peaceably, and commissioned some young members of their body to go to the camp near the *Algidus*, to prevent the sedition which *Virginus* might excite there. In the mean time *Valerius* and *Horatius* caused the body of *Virginia* to be laid in an open litter, and to be carried in great pomp through all the high streets, in order to excite the compassion of the citizens, and increase their detestation of the Decemvirs. Men and women, old and young, married and unmarried, all ran out of their houses to see this funeral procession, and they all bewailed her fatal beauty, and her untimely death. The women with tears in their eyes threw, some of them flowers upon the litter, others the ribbons from their heads to adorn it, others cast their girdles, their fillets, wreaths of their hair upon it. The men also contributed, every one, some little present.

The whole city would have revolted immediately from the Government, had not the Decemvirs been actually commanding armies, and had not *Valerius* and *Horatius* (who managed this business, and who hoped to compass their point without effusion of blood) thought it more advisable to wait and see what *Virginus's* return would produce in the army near the *Algidus*.

§. IV. HE entered the camp, attended by near 400 citizens, and still holding in his hand the bloody knife with which he had killed his Daughter. The soldiers at this strange sight flocked to him from all quarters. *Virginus* got upon a small eminence, from whence he might the more easily be heard: his face was drowned in tears, and grief for a while tied his tongue. At length breaking his mournful silence, he related to them the whole tragical story, and then raising his hands to heaven, "I call you to witness, immortal Gods, that *Appius* alone is guilty of the bloody deed "I was forced to commit. And you, my fellow soldiers,

Y. of R. 304. diers, I conjure you not to drive me out of your
 Bet. J. C. 448. company as a parricide and the murderer of my
 3 Decem- own life to have preserved hers, if she could have
 virate. lived with her honour and her liberty. But finding
 “ that the tyrant was determined to make her a slave,
 “ that he might have an opportunity to dishonour her,
 “ pity alone made me cruel: I rather chose to lose my
 “ daughter, than keep her with shame; but I would
 “ not have outlived her one moment, had I not hoped
 “ to revenge her death by your assistance.”

The centurions and soldiers, filled with compassion for his misfortune, and with indignation against the Decemvir, all assured him, that they would not fail him in any thing he should undertake against *Appius*. Nay, they resolved to extend their resentment to all the Decemvirs, and to shake off the yoke of a dominion that was now grown into an avowed tyranny.

The Decemvirs who commanded the army being informed of *Virginus*'s return, and of the disposition of the soldiers, sent for him with design to secure him. No obedience was paid to their orders. The troops were all eager to return to *Rome*; nothing but the military oath withheld them. They thought they could not leave their Generals without offending the Gods, and dishonouring themselves. *Virginus*, who burnt
 D. Hal. B. and with impatience to revenge himself of *Appius*, quickly
 41. P. 723. removed their scruple, by assuring them, that a *Roman* could never be under any obligation to obey usurpers and tyrants; that the Decemvirs were notoriously such, and that therefore to submit to them would not be obedience and piety, but madness and superstition. There needed no more to satisfy the conscience of the soldiers. They immediately flew in a kind of fury to their arms, snatch'd up their ensigns, and under the conduct of their respective Centurions took the way to *Rome*. The Decemvirs, startled at so general a desertion, ran to stop
 Liv. B. 3. them: But wherever they turned themselves, they
 C. 50. found only exasperated spirits, who breathed nothing but vengeance. If the Decemvirs spoke to them in gentle

gentle terms, they received no answer. If they pre- Y. of R.
tended to threaten or command; the soldiers sternly 304
answered, *We are men, we have swords in our hands.* Bel. J. C.
448.

The army entered *Rome* about evening, without³ Decem-
making the least disturbance, and without so much as virate.
a soldier's stirring out of his rank. As they passed
along they assured their friends and relations, that they
were returned only to destroy tyranny. All the troops D. Hal.
marched quietly through the city to mount *Aventine*, p. 724.
fully resolved not to separate 'till they had obtained the
deposal of the Decenvirs, and the restoration of the
Tribuneship.

§. V. *APPIUS*, terrified with remorse of conscience,
and with the revolt of the army, durst not appear in
public. But *Oppius*, his Colleague, had recourse in this
distress to the authority of the Senate, which he con-
vened with all expedition.

The Senators thought it by no means adviseable to
proceed in a way of severity, because they themselves
had given occasion to the sedition. The result of their
debate was to commission *Sp. Tarpeius*, *C. Julius*, and *Livy*, B. 3:
P. Sulpitius, all three Consulars, to go to mount *Aven-* c. 50.
tine and demand of the soldiers, "By whose orders
" they had left their camp? what their intent was in
" possessing themselves of mount *Aventine*; and why,
" quitting the war begun against the enemy, they had
" invaded their own country?"

The soldiers did not want an answer, but they wanted
a speaker, for as yet they had not chosen themselves a
Head; and no one man among them would venture to
act as Chief in this revolt. They remained for some
time in silence, but at length they all cried out with
one voice, "Let *Valerius* and *Horatius* be sent to us,
" we will give an answer to the Senate by them."

As soon as the three Commissioners were gone, *Vir-* c. 51.
ginius took notice to the soldiers how much they had
been puzzled, even in an affair of no great importance,
for want of a Head; that the answer they had
fallen upon, tho' pertinent enough, had proceeded ra-
ther from casual agreement, than previous and public
counsel;

Y. of R. counsel; and he advised them therefore to chuse ten
 304. persons to be over them, and to manage for them.
 Bef. J. C. Instantly they named him the first to that honour, but
 448. he excused himself, desiring them to reserve their good
 3 Decem- opinion of him to happier times. "No honours, said
 Virate. "be, can give me pleasure while my daughter is un-
 "revenged, nor is it adviseable for you, in such a season
 "of trouble as this, to chuse those men to be your di-
 "rectors and agents who are most obnoxious to the par-
 "ties you are to treat with. If you think me capable
 "of being useful to you, I shall not be less so in a pri-
 "vate capacity." The army hereupon appointed ten
 other Centurions to be their Governors, with the title of
 Military Tribunes.

The example of this army was followed by that em-
 ployed in the war against the *Æqui*: For *Numitorius*
 and *Scilius* had gone thither, and had spirited up the
 soldiers to desert their Generals. With colours flying
 they marched strait towards *Rome*, and having advice,
 by the way, of the steps taken by the troops on mount
Aventine, they in like manner, at the instigation of *Scil-
 lius*, (a man skilful in popular affairs) chose themselves
 ten Military Tribunes, to govern and conduct them.
 (What moved *Scilius* to give this counsel was an appre-
 hension, that, without such election, the ten Tribunes
 of the other camp might be thought to have a kind of
 right to be appointed the *Ten Tribunes of the Commons*,
 in the next *Comitia* that should be held for naming
 those Magistrates, and he himself had a view to be one
 of the College.) These troops entered the City, and
 marched through it in the same good order, and with
 the same peaceable behaviour, as had been observed by
 the other, whom they presently after joined. And
 then the united armies commissioned their twenty Mili-
 tary Tribunes to elect two out of their number to be
 supreme over all. The choice fell upon *M. Oppius* and
Sextus Manilius.

The Senate, in the mean while, anxious for the
 Commonwealth, sat every day to consider of some ef-
 fectual remedy for the present evil. (Such desertions
 were

were of dangerous example; and the frontiers were left ^{Y. of R.} exposed to the invasions of the enemy.) But the time ^{304.} which should have been employed in sage deliberation; ^{Bef. J. C.} was wasted in strife and wrangling: The Decenvirs ^{448.} were incessantly reproached with the murder of *Sicinius*, ^{3 Decem-} the lust of *Appius*, and the miscarriages in the war. At ^{virate.} length it was concluded to send *Valerius* and *Horatius* to mount *Aventine*; but then these two Senators, finding that their mediation was become necessary, protested that they would not move a step so long as the Decenvirs, whom they called usurpers, remained Masters of the Government.

The Decenvirs, on the other hand, declared that they would not resign their authority till they had proposed to the People the two last Tables of Laws, and had got them pass'd; and that this was the only term fixed for the expiration of their Magistracy. Nay, *L. D. Hal-* *Cornelius*, yet a warm partisan of the present Gover- ^{B. 11.} nors, advised against entering into any negotiation ^{P. 725.} with the two armies, till they were returned to their former respective camps; upon which condition he was for offering the soldiers a general pardon, with an exception however to the Authors of the desertion. ^{Livy. B. 31.}

The soldiers on mount *Aventine* receiving accounts ^{c. 52.} from *M. Duilius* (who had been formerly a Tribune) of what pass'd in the Senate, came to a resolution to remove their camp to the *Mons Sacer*, a place which would put the Senators in mind of the steady resolution of the *Commons*, and make them sensible of the absolute necessity of restoring the Tribuneship, in order to a re-union. Thither they marched, fortified themselves there, and observed the same good discipline for which their ancestors had been so much admired. In this decampment they were followed by such numbers of the Citizens, with their wives and children, that *Rome* was in a manner deserted: "What have we to do," *said they*, in a City where neither chastity nor liberty is safe." The *Conscript Fathers* astonished as they pass'd to the Senate-house to see the streets so thir of people, and that, except a few old men, there was

Y. of R. scarce any body in the Forum, came now for the most
 304. part into the sentiments of *Horatius* and *Valerius*. They
 Bef. J. C. declared that it was madness in the Decemvirs to think,
 448. of retaining their authority, when they had no subjects
 3 Decem- to govern. "What! *said they*, will you administer ju-
 virate. stice to empty houses and bare walls? Are you not
 "ashamed to see that all the citizens in the Forum
 "scarce equal the number of your *Lictors*? In short,
 "you must resolve either to have no *Commons*, or to
 "allow them *Tribunes*. They extorted from our fore-
 "fathers that *Plebeian* Magistracy, of which they had
 "not then experienced the benefit; and do you ima-
 "gine, that when they have tasted the sweets of it,
 "they will ever consent to part with it, and especially
 "since your Government has not been so moderate and
 "gentle, as to make them feel no want of protection
 "and succour?"

The Decemvirs finding that there was no remedy, promised at length to be wholly governed by the Senate; they only desired, that they might not be sacrificed to the hatred of their enemies, and reminded the *Fathers*, that it concerned them nearly not to accustom the People to shed the blood of *Patricians*.

Livy, B. 3. §. VI. *VALERIUS* and *Horatius* having brought
 c. 53. this affair to the point they had wished, repaired to the camp, and were received by the soldiers as their protectors. The Army, by the mouth of *Idilius*, demanded the restoration of their Tribunes, and of their privilege of appeal, and an amnesty for all who had left the Camp without permission from their Generals. But first of all they required, that the Decemvirs should be delivered into their hands; and they loudly threatened to burn them all alive.

The two mediators were not more favourable to those Magistrates than the People themselves; but they prosecuted the design of destroying them with more art. At the same time that, in general terms, they exhorted the multitude not to be governed by cruel thoughts, (bidding them remember that they had more occasion for a shield than a sword) they insinuated to them, that
 when

When they were in possession again of their rights; and when their Tribunes, their Laws and Assemblies were restored to them, they would then have it in their power to do justice to themselves.

The multitude, fully persuaded that no *Tribunes* whatever could have more Zeal for the interest of the Commons than *Valerius* and *Horatius*, trusted every thing to their management; who, returning without delay to the Senate, reported the Demands of the Army; but said nothing of its bloody designs against the Decemvirs. These Magistrates hearing no mention of their punishment, readily yielded to all that was asked; only *Appius*, cruel by nature, and judging of other men's hatred to him by his to them, said aloud, "I am not ignorant of the fate I am to expect. The attack is only deferred till my enemies have got arms in their hands. Nothing but my blood will satisfy their malice. Be it so. I am ready nevertheless to resign the Decemvirate, and I care not how soon I do it." Hereupon the Senate past a Decree, *That the Decemvirs should instantly depose themselves; that the Pontifex Maximus should hold the Comitia for electing Tribunes; and that no notice should be hereafter taken of the desertion of the soldiers from their Generals, or the retreat of the Citizens to the Mons Sacer.* Submitting to this Decree, the Decemvirs immediately repaired to the Forum; and there abdicated their Magistracy, to the great joy of the City. The news of their abdication was presently carried by *Valerius* and *Horatius* to the Camp. "Return, soldiers, to your country, your Houses, your Gods, your wives and children; and may this return be happy to you and to the Commonwealth!" Instantly the army snatched up their ensigns, and, exulting with joy, returned to *Rome*. But, before they separated, they marched a second time, accompanied by the rest of the commons, to mount *Aventine*, where they made an election of their Tribunes. *A. Virginus*

* *Livy* makes this Decree and another, to be the acts of the Commons, presently after they had chosen their Tribunes.

Y. of R. the father of the hapless *Virginia*, *Numitorius* her uncle, and *Icilius*, to whom she had been betrothed, were the first chosen. Then C. *Sicinius*, M. *Duilius*, M. *Titinius*, M. *Pomponius*, C. *Apronius*, P. *Villius*, and C. *Oppius*. An *Inter-Rex* was afterwards created, who held an assembly by *Centuries*, and, according to the votes of the People, named L. *Valerius* and M. *Horatius* to the Consulship.

D. Hal.

B. 11.

P. 725.

Livy, B. 3.

c. 55.

§. VII. THE Administration of these Consuls was wholly popular, and the *Plebeians* obtained from them what they could hardly have hoped from their very *Tribunes* themselves. In the first place: Whereas it was a disputable point of Law, *whether the PLEBISCITA* [the Decrees of the Commons,] *would bind the SENATORS*; the Consuls now passed a LAW in *COMITIA CENTURIATA*, importing, That what the COMMONS should enact, in *COMITIA TRIBUTA*, should bind the whole ROMAN PEOPLE. By which Law (says *Livy*) the Bills of the *Tribunes* were armed with a very dangerous weapon².

The

² *Omnium primum, quum veluti in controverso jure esset, tenerentur PATRES Plebiscitis, legem CENTURIATIS COMITIIS tulere, ut quod TRIBUTIM PLEBES jussisset, POPULUM teneret; qua lege tribunitiis rogationibus telum acerrimum datum est. Liv. L. iii. c. 55.*

Dionysius (L. xi. p. 726.) writes, "That this LAW put an end to the Disputes which had subsisted between the *Patricians* and *Plebeians*, concerning the *Plebiscita*, made in the *COMITIA TRIBUTA*, which the *Patricians* would not submit to, nor allow to be binding on any but *Plebeians*." The Historian goes on, "It has been already said, that in the *Comitia Tributa* the *Plebeians* and the *Poor* had the better of the *Patricians*; but that in the *Comitia Centuriata*, the *Patricians*, though much inferior in number to the *Plebeians*, were superior to them in strength."

[This last assertion, how often soever he may have repeated it, I apprehend to be a great mistake. He seems here to make the terms *Patrician* and *Plebeian* equivalent to *Rich* and *Poor*. The richer Citizens had doubtless a superiority of strength in the *Comitia by Centuries*; but the *Patricians* had not. The majority of the voters in the majority of the *Centuries* were unquestionably *Plebeians*, and the *Patricians* were overpowered, as well as out-numbered by the *Plebeians* in the *Comitia Centuriata*. Had it not been so, had the *Patricians*, in the *Centuriate Comitia*, been superior in strength to the *Plebeians*, how consummately ridiculous would be *Livy's* admiration of the virtue of the Ro-

man

The *Lex Valeria* touching appeals to the *Assembly of Y. of R.* the People was confirmed anew, and strengthened with another ^{304.} *Bef. J. C.* ^{448.} *60th Con-*

man People, for their chusing to the Military Tribuneship *PATRI-fulship.* *CIA NS only* (*Y. of R. 309*) though the *Plebeians* were qualified, by law, to be chosen to that Magistracy! *Livy, B. 4. c. 6.]*

As to the memorable *LAW* (called *Lex Horatia*) now enacted, by the *Comitia Centuriata*, *Dionysius* would have better satisfied the curiosity of his readers, if he had given them some instances of *PLEBISCITA*, made in *COMITIA* by *TRIBES*, to which the *PATRICIANS* had refused to submit. In his seventh Book, he mentions a *Plebiscitum*, Vol. I. that made it penal to interrupt a Tribune, when speaking to an assembly p. 356, of the People. And he tells us, that this *Plebiscitum* was followed by 357, 358. much altercation between the *Consuls* and the *Tribunes*; and that the *Senate* and the *Commons* mutually refused to ratify each other's Decrees.

Μετὰ τὸτο πολλὰ καὶ περὶ πολλῶν ἰγίνοντο τοῖς δημάρχοις πρὸς τὰς ὑπάρχουσας ἀντιλογίας, καὶ ὅτε ὁ δῆμος ὁπόσα ἡ βουλὴ ψηφίσαιτο κύρια ἤγιντο, οὐ τι ὡς ὁ δῆμος γνώη τῇ βουλῇ φίλιόν τι ἢ ἀντιπαρεταραμένοι δὲ καὶ δι' ὑποψίας ἔχοντες ἀλλήλους διτίθην. *D. H. L. vii. p. 432.*

Deinde multæ variisque de rebus inter *Tribunos* & *Cōs.* altercationes sunt sequutæ & neque ipsa plebs senatus-consulta rata habebat, neque senatus ipse ulla plebiscita approbat. Sed magnâ contentione utrique alteris adversabantur, & se invicem suspectos habebant.

But these things passed in the next year after the erection of the Tribuneſhip, and before the introduction of *COMITIA TRIBUTA*, even according to the *Greek Historian's* own account. Here then a question arises. In what *Comitia* were those *Plebiscita* made, which were anterior to the first *Assembly by Tribes*? Not in the *Centuriata*: The *Tribunes* never attempted to hold those assemblies. And as to the *Curia*, Vol. I. *Centuriata*, we are told, that these could not be held but by a *Patrician Magistrate*, p. 424, & nor without a previous Decree of the *Senate*, nor without *seq.* *Sacrifices* and *Auspicia*, the care and management of which were appropriated to the *Patricians*. And we are likewise told, that the *Tribunes*, when they held *Assemblies* of the citizens for making *Laws*, observed none of these ceremonies and formalities. Particularly, with regard to the *Senate's* authorising their proceedings, *Appius Claudius* (in the debate on the affair of *Coriolanus*) enumerating, to the *Fathers*, the usurpations of the *Plebeians* and their *Tribunes*, mentions this among the rest, *They propose laws without consulting you, and they pass them without your approbation*, Νόμους γὰρ ἀπροβουλευτὰς ἰσχύρου, καὶ τὰ τοιαῦτα ἐπιψηφίζουσι τῆς ὑμετέρας γνώμης δίχα. *D. H. L. vii. p. 455.* And this, as I before observed, was anterior to the introduction of *Comitia Tributa*. Shall we not therefore be obliged to say, That though the *Assemblies of the Curia* could not, by the original constitution of the State, be legally held, and were not held in the first years of the Commonwealth, nor perhaps, after the introduction of *Comitia Tributa*, without the conditions above specified; yet the *Tribunes*, soon after the institution of that magistracy, did, without any previous *Senatus Consultum*,

Y. of R. another Law forbidding the future creation of any Magistrate, from whose judgments an appeal should not lie to
 304.
 Bef. J. C.
 448.
 60th Consulship.

sultum, convene the *Plebeians* of the *Curie*, and, in those assemblies, did, without Auspices, or any Religious Ceremonies, enact Laws which were called *Plebiscita*?

By the treaty of Re-union (on the *Mons Sacer*) the *Tribunes* were authorised to hold *CONCILIA* of the *Commons*; and they seem to have turned these *Concilia* into *COMITIA* by *CURIE*, as has been represented vol. I. p. 356, 357, 358. But it does not fully appear, whether the Senators and other *Patricians*, who were excluded the *Concilia* of the *Commons*, were suffered to be present, and vote in their *Comitia*. *Dionysius*, in the passage just referred to, represents the *Tribunes* as very expeditious in getting their *Plebiscitum* passed, lest the Consuls should come and oppose it. But by *Opposition* here, he may possibly mean an opposition by *Violence*, disturbing the Assembly, and hindering it from concluding any thing; for this was no uncommon method with the *Patricians*, when they disliked a Bill, proposed by the *Tribunes*.

A SECOND difficulty is thrown in our way by what *Dionysius* says of the *Disputes* concerning the *PLEBISCITA* made in the *COMITIA* by *TRIBES*, and of the *Patricians* refusing to submit to them. I do not recall any one *Plebiscitum*, by him mentioned, as made, before this time, in *Comitia Tributa*, except the *Judgments* of the *TRIBES* in criminal and capital causes. And these *Judgments* did all take place, according to his own account. *Coriolanus* went into exile pursuant to the sentence against him; *Menenius* paid the fine, to which he was condemned; *Servilius* was acquitted; the sureties for the appearance of *Cæso Quinctius*, upon his running away to avoid trial, paid the money they stood bound for to the public. So that when the Historian says, that the *Patricians* refused to submit to the *PLEBISCITA*, it is hard to guess what he means, unless it be, That (before the *Horatian Law*) the *Patricians* did not recognise the *COMITIA TRIBUTA* held by the *TRIBUNES*, as a legal Legislature, though they submitted, through necessity, to all their Decrees. In the case of *Cæso Quinctius* (year of Rome 292.) *Dionysius* (L. x. p. 631.) differing from *Livy*, who makes *Cæso* humble himself so far, as to solicit the favour of the multitude, represents him disowning the jurisdiction of the Court, and refusing to plead: yet the Historian introduces *L. Quinctius Cincinnatus*, the Father of the accused, pleading earnestly for his son to the Assembly.

It may be said, that this was the pure effect of necessity, and ought not to be construed into a recognising the Assembly for a lawful jurisdiction. For in the year 298 (six years after the affair of *Cæso*) on occasion of the *Tribunes* citing the Consuls to appear in judgment before the *Tribes*, the Consuls openly affirm that the *Tribunes* have no power to summon thither, even the most inconsiderable of the *Patricians*, without a previous *Senatus Consultum* for that purpose. D. H. L. x. p. 661. And in the contest about *Volero's* Bill (Year of Rome 282.) *Appius Claudius* (then Consul) declared that he would forever oppose the enacting

to that Assembly, and permitting any person to kill the Y. of R.
man who should attempt such a creation. To these ^{304.}
Laws ^{Bel. J. C.}
^{448.}
^{60th Con-}
^{fulship.}

enacting of any law, which had not first passed the examination and approbation of the Senate. And the conclusion of that contest was—The Senate made a Decree, authorising the People to give their suffrages upon the Bill, and then the Bill was by the People passed into a Law. *D. H. L. ix. p. 602.*

It is said (vol. 1. p. 438.) that this Law was enacted by the *Comitia Centuriata*. Several reasons may be given in support of that opinion. First, the validity of this Law was never disputed; in the next place it underwent the form of a previous *Senatus Consultum*, and then, thirdly, it seems *probable*, at least, (for the reasons given in the Discourse at the end of Chap. xiii.) that there were no *Comitia Tributa* before *Volero's* Law was enacted.

But let us suppose, on the authority of *Dionysius*, that *Comitia Tributa* were in use from the time of *Coriolanus*; and that all the capital trials, which the Historian speaks of, as between that time and *Volero's* Tribuneship, and all the capital trials from *Volero's* Tribuneship to the Consulship of *Valerius* and *Horatius*, were in *Assemblies of the Tribes*, and that even *Volero's* Law was enacted in one of those Assemblies: what will follow from these facts, compared with the passages just cited from the Historian? Seemingly, at least, the consequence will be, that *before the Horatian Law*, there were *two sorts of Plebiscita*: Some that were passed in *Comitia*, held by the *Tribunes*, without previously consulting the Senate; others, that were preceded by an authorising Decree of the Fathers, as in the case of *Coriolanus*, and in that of *Volero's Bill*. That to the former sort the *Patricians* would not submit, but did submit to the latter. And that this is the reason, why we read of no opposition given to the execution of those sentences, which are said by *Dionysius* to have been passed against certain *Consuls*, and other great men, by the *Comitia Tributa*, held by the *Tribunes*: We may suppose, that these Assemblies had been authorised by *Senatus Consulta* (though not mentioned by the Historian) to try and judge those persons. And then it will seem that the *Horatian Law* was enacted purely to give to the *Plebiscita*, that should be made in *Comitia Tributa*, without previously consulting the Senate, the same force, as was allowed to those which had been made in the like Assemblies, authorised by a Decree of the Fathers.

According to *Livy* (l. 3. c. 54.) the Commons had no sooner recovered their *Tribunes* (upon the abdication of the *Decemvirs*) but to *Law-making* they went with all vehemence, even before they returned to their houses (for they were then encamped without the city.) *Tribunatu into L. Icilius extemplo PLEBEM ROGAVIT, et PLEBS SCIVIT, ne cui fraudi esset secessio ab Decemviris facta.* *Confestim de Consulibus creandis cum provocacione M. Duilius rogationem pertulit. Ea omnia in pratis Flaminiis CONCILIO PLEBIS acta.*

If

Y. of R. Laws was added a Regulation importing, that the *Senatus Consulta*, which were often suppressed or altered by

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If I might hazard a conjecture, I would say, that these proceedings, which were closely followed by the *Lex Horatia*, were the immediate occasion of this LAW's being enacted. That when *Livy* says, *Ea omnia CONCILIO PLEBIS acta*, the words *Concilio Plebis* are not equivalent to *Comitiis Tributis*. And that the new LAW, while it gave the *PLEBISCITA* (the Decrees of the *Commons*) a force equal to that of LAWS made in the *Comitia Centuriata*, confined this privilege to such *Plebiscita*, as should be made *TRIBUTUM*, i. e. in *Comitia Tributis*, and did not extend it to decrees that might be made, *Concilio Plebis*. Quum veluti in controverso jure esset, tenerenturne patres *PLEBISCITIS*, legem *Centuriatis Comitiis* tulere, ut quod *TRIBUTUM Plebes* jussisset *Populum* teneret.

Vol. i. p. 356, 357, 358. Before the introduction of *Comitia Tributis*, there were unquestionably *CONCILIA PLEBIS*, which assumed the power of Legislation; and I have not observed any cogent reason for believing that there were no such *Concilia* after the *Assemblies by Tribes* were brought into use.

Should it be asked, what the difference was between *COMITIA TRIBUTA* held by the *Tribunes* and *CONCILIA PLEBIS*, I should say, that, from the former, only the *Senators* were excluded; but that all the *Patricians* were excluded from the latter. The latter therefore was an Assembly of the *Commons*, the former an Assembly of the *People*; which *People* nevertheless is sometimes called *Plebs*. *Plebs est ceteri cives sine senatoribus*. Digest. L. 50. T. 16. N. 238.

It would seem that the *Senators* (in these times at least) were not allowed to vote in the *Comitia Tributis*, except when these *Assemblies* were held by one of the *Magistratus Majores*; and that then they were held with *Auspicia*. *Tributa Comitia si a Plebeis Magistratibus, hoc est a Tribuno Plebis & Aedile Plebis facta sint, sine Auspiciis* (ut ait *Dionysius*) esse facta: sin a *Patriciis Magistratibus cum Auspiciis*. *Manut. de Com. Rom. cap. ix.*

Dr. Middleton (in his *Treatise on the ROMAN SENATE*, p. 119.) speaks too generally, when he says, that the *Tribunes* excluded them [the *Senate*] from any share or influence in the *Assemblies of their Tribes*. It would have been exact, I believe, if he had said, from THEIR *Assemblies of the Tribes*, that is, from the *Comitia Tributis* HELD by the *TRIBUNES*. But we find, in the year 307 (three years only after enacting the *Lex Horatia*) the *CONSULS* holding the *Comitia Tributis*, on occasion of the dispute between the *Ardeates* and *Aricini*, who had referred their cause to the arbitration of the *Roman People*. *Aricini* atque *Ardeates* de ambiguo agro quum saepe bello certassent—judicem *Populum Romanum* cepere.—*Concilio Populi a Magistratibus dato—quum TRIBUS vocari et populum inire suffragium oporteret, confurgit P. Scaptius—si licet, inquit, CONSULES de republica dicere, &c. Quum, ut vanum, eum negarent CONSULES audiendum esse, vociferantemque prodi publicam causam summo veri jussissent, Tribunos appellat &c. Liv. B. 4. c. 71.*

I thought

by the Consuls, should for the future be transmitted to Y. of R. the *Ædiles*, and preserved in the Temple of *Ceres*.

§. VIII. *THOUGH* the *Patricians* in general greatly disliked all these Proceedings, yet, because hitherto they saw no particular person of their Party attacked, they made no opposition to them. But the Scene quickly changed. The liberty of the People, and the Power of the Tribunes being now firmly re-established, the latter thought the favourable time come for prosecuting the Decemvirs, and all the accomplices of their tyranny. *Appius* was the first accused. Upon a Summons from *Virginius* (who was appointed to be the accuser) he came into the *Forum*, attended by a crowd of young Nobles, who had been his Ministers and his Guard during his Decemvirate. Their Appearance brought fresh into the People's minds all the instances of his horrible abuse of power.

Then *Virginius* began, "Long speeches, O Romans, are for clearing up of doubtful cases. I shall not waste your time in expatiating upon the crimes of a man whose cruelty reduced you to the necessity of taking arms to rescue yourselves from it: Nor will I

I thought to have mentioned some particulars in the History of these first years of the Republic, that do by no means correspond to the rules laid down by the Learned as generally observed in the holding the several sorts of *Comitia*, and doing business therein; but I am glad to retire from these discussions under cover of a passage in the excellent work, before referred to, entitled *ELEMENTS OF CIVIL LAW*. In page 185 the learned, judicious and candid Author, after speaking of the differences between *LEX* and *PLEBISCITUM*, and between the *Comitia Curiata* and the *Comitia Centuriata*, proceeds thus: "I judged it proper that my reader should snatch, in a short and comprehensive view, this part of the *Roman* constitution. He will more easily make himself master of particulars, even when they contradict, or vary from, his general System: and I am persuaded, that many things might be taught more successfully, if both writers and readers would sometimes consider that which they set off with, not as a part of the building, but only as so much scaffolding, to be laid aside afterwards, or thrown by as useless and unnecessary. In the Civil History of a People, this doctrine may have fairer play, because the constitution of a country, at its final settlement, is best apprehended by the difference it carries with it, from the same constitution, when it first began to be moulded."

"suffer

Y. of R. "suffer him to add to his wicked deeds the impudence
 304. "of defending them. *Appius*, I shall pass over the
 Bef. J. C. "whole series of your flagitious practices during the
 448. "space of two years. There is one crime only, from
 60th Con- "which if you do not instantly clear yourself, I order
 sulship. "you to be led to prison.

"What have you to say for the sentence you passed
 "against *Virginia*? Why did you, contrary to law,
 "refuse a person, whose liberty was brought into dis-
 "pute, the possession of that liberty till the suit was de-
 "termined?"

Appius had no hope of assistance either from the
 Tribunes or the People; nevertheless he called upon
 the Tribunes; and when, none of them interposing,
 the Officer laid hold on him to drag him away, he
 cried out, *I appeal*. The sound of these sacred
 words (the guardians of liberty) tho' from a man who
 had so lately violated the laws of liberty, caused an
 universal silence. He then reminded the People of the
 merit of his ancestors, and of his own unhappy affec-
 tion to the *Commons*, when to the great displeasure of
 the *Senate* he relinquished the Consulship, to make
 way for the Decemvirate and the establishment of the
 new Laws; Laws which were still in force, while he
 the Legislator himself, contrary to the tenor of them,
 was condemned to Prison. He added, that as to his
 merits and demerits, it would appear what they were,
 when his trial should come on; that at present he
 pleaded the common rights of a *Roman* Citizen, and
 only demanded the time necessary for preparing his de-
 fence: that if without being heard he was now sen-
 tenced to prison, he appealed once more to the Tri-
 bunes, and exhorted them not to follow the example of
 those they hated: That if the Tribunes confessed they
 had come to an agreement among themselves to abolish
 the right of appeal, he appealed from them to the Peo-
 ple, and implored the protection of the Laws just made,
 by joint consent of Consuls and Tribunes, to confirm
 that privilege. "What Citizen can hope for any be-
 "nefit from those Laws, if *Appius Claudius* can reap
 "none?"

“none? Your conduct with regard to me will make Y. of R.
 “it appear, whether this right of appeal, of which you ^{304.}
 “seem so jealous, be only the appearance of a privi- ^{Bef. 7. C.}
 “lege, a thing subject to the cabals and private views ^{448.}
 “of the Tribunes, or whether it be the real and firm ^{60th Con-}
 “support of liberty.” ^{fulshp.}

Virginus, in answer, said, that *Appius* was the single ^{Liv. B. 3.}
 man who had nothing to do with laws or any social ^{c. 57.}
 compact, nor ought to have any benefit from them.
 That having made himself perpetual Decemvir, his
 Tribunal had been the retreat and strong-hold of all
 wickedness; that, regardless of Gods and men, and al-
 ways surrounded by hangmen instead of Lictors, he
 had, contrary to all laws and privileges, despoiled,
 scourged and murdered his fellow-citizens; that then,
 turning his mind from slaughter to lust, he had not
 been ashamed to tear a *Roman* maid of free condition
 out of her father's arms, deliver her into the hands of
 the vile minister of his pleasures, and reduce the father
 to the cruel extremity of killing his daughter, to pre-
 serve her honour: That when the uncle and the person
 to whom she was betrothed were taking up the body of
 the expiring virgin, he had commanded them both to
 prison, being more vexed at the disappointment of his
 intended rape than touched with concern for the murder.
 That surely it was but fitting so infamous a wretch should
 go to that prison which he himself had built, and had
 insolently named the *Habitation of the Commons of*
Rome. Then, turning to *Appius*, “Appeal therefore,
 “as often as you will; unless you instantly plead, I
 “order you to jail as a criminal condemned.”

The commitment of a *Patrician* of such high rank,
 seemed to many persons, even among the Commons,
 an excessive stretch of *Tribunitian* power; yet no body
 opposed it. *Appius* was that minute led to prison, and
Virginus appointed him a day for making his defence.

His uncle, *C. Claudius*, who had always been against ^{Livy, B. 3.}
 the Decemvirs, and who had particularly detested the ^{c. 58.}
 pride and insolence of his nephew, hastened however
 to his aid as soon as he heard of his disgrace. It has
 been

Y. of R. 304. been already said, that to avoid being an eye-witness of
 the tyrannical Government of the Decemvirs, and of
 the miseries of *Rome*, he had retired to *Regillus*. He
 448. was no sooner come back to *Rome*, but he appeared in
 60th Con- the *Forum* in a habit of mourning, and attended by all
 sulship. his relations and friends. He went from citizen to
 citizen, and besought each of them in particular, not to
 fix such an ignominy upon the *Claudian* family, nor to
 suffer such a shame to themselves, as that the founder
 of their laws should lie in a dungeon with villains and
 robbers; but rather to forgive one of the *Claudii*, for
 the sake of so many of the name as interceded for him,
 than out of hatred to one, to reject the prayers of so
 many. He added, that the People having fortunately
 recovered their liberty by their courage, there was now
 nothing wanting to the happiness of the Republic, but
 the restoring of union between the two orders in the
 State, and that this would be best done by clemency.

Many of the citizens were moved to pity by the in-
 treaties and intercessions of *Claudius*. But *Virginius* on
 the other hand begged them to have compassion for him
 and his daughter, and to have regard to the prayers,
 not of the *Claudian* family which had tyrannized over
 them, but of *Virginia's* relations, three Tribunes, who
 being created for the succour of the People, ought in
 their necessity to receive succour from them. *Virginius*
 prevailed.

D. Hal. B. *Appius* died in prison before the day came for his
 11. p. 726. trial; and *Dionysius* tells us, that tho' the Tribunes,
 gave out that he had strangled himself, it was much
 suspected that he had been dispatched by their orders.
Livy, without mentioning a word of the Tribunes,
 barely relates, that *Appius*, to avoid the infamy of a
 public punishment, put an end to his own life in pri-
 son.

Livy. B. 3. The trial of *Sp. Oppius*, one of the *Plebeian* Decem-
 c. 58. virs, followed next. *Numitorius*, *Virginia's* uncle (who
 was now a tribune) prosecuted him, as an accomplice
 of *Appius*, whose injustice in her affair he had not op-
 posed, tho' at that time in *Rome*. Nor was this the
 only

only crime laid to his charge. A veteran, who had ^{Y. of R.} served 27 years, and had been eight times honoured ^{304.} with military rewards, stripping off his robe, exposed ^{Bef. J. C.} his shoulders, which had been torn with rods by the ^{448.} Decemvirs Lictors; and he offered to submit himself to ^{60th Con-} the same treatment again if *Oppius* could assign any ^{fulshp.} good reason for his cruelty. The accused was condemned by the unanimous suffrages of the People; he was thrown into prison, and, *Dionysius* tells us, that he died there the very same day. The other eight Decemvirs sought their safety in flight, and banished themselves. Their effects were confiscated and sold, and the produce carried by the Quæstors into the public treasury. *Marcus Claudius*, the instrument employed by *Appius* to get *Virginia* into his power, was condemned to death; but as he laid all the crime upon *Appius*, *Virginius* was contented with his exile, doubtless in consideration that the wretch had acted in compliance with the will of a Magistrate from whom he could have no appeal. ^{D. H. B.} ^{11. p. 726.}

Thus was revenge taken for the innocent blood of the unfortunate *Virginia*, whose death, (like that of *Lutretia*,) procured liberty to the *Roman* People.

Tho' the punishment of the Decemvirs was owned ^{Liv. B. 3.} to be just; yet the Senate could not help being under ^{c. 59.} some Consternation at the death and exile of so many members of their body. Neither was it possible to foresee what bounds the Tribunes, who were so closely united with the two Consuls, would put to their revenge: they seemed to be so many new Decemvirs, who were going to re-establish the late tyranny. *Dulcius*, who was one of the Tribunes, but more moderate than the rest, dispelled the fears of the Senate by this public declaration: "Enough has been done for the Security of our liberty, and the punishment of our enemies. During the remainder of this year, I will not suffer, that any person be prosecuted or imprisoned for past faults, which being already expiated, ought therefore to be no longer remembered."

Y. of R.

304.

Ref. J. C.

448.

60th Con-
sulship.

C H A P. XXX.

§. I. *The Consuls take the field. Valerius defeats the Æqui and Volsci, and Horatius the Sabines. Nevertheless the Senate, dissatisfied with their too popular administration, refuse them a Triumph. They obtain it of the People.* §. II. *The Tribunes propose to get themselves perpetuated in the Tribuneship, and Horatius and Valerius in the Consulate. Duilius, one of the College, defeats both these projects. By his influence, joined with the Senate's, five new Tribunes are chosen; after which, finding that he cannot prevail with the Tribes to fill the other five places with new Magistrates, he dismisses the Assembly, referring the completion of the whole number of ten Tribunes to the five already elected. These five, among those they associate with them in their office, name two Patricians. TREBONIUS ASPER, one of the Plebeian Tribunes, shortly after gets a Law passed, forbidding the Tribunes the practice of Co-optation.* §. III. *In the Consulate of T. Quinctius Capitolinus and Agrippa Furius the old dissensions are renewed; insomuch that though the Æqui and Volsci ravage the country to the very gates of Rome, the Tribunes oppose the necessary levies of troops to repulse them: but Quinctius gets the better of this opposition, by a speech he makes to the People. The Consuls rout the enemy.* §. IV. *The Roman People dishonour themselves by a judgment they give in a cause referred to their arbitration by the cities of Ardea and Aricia.*

§. I. **A**ND now the main affair of the Republic was to revenge herself on her Enemies abroad, who had taken advantage of her late intestine divisions and anarchy to invade and pillage the Roman territory. Valerius was appointed to march against the united forces of the *Æqui and Volsci*, and *Horatius* against the *Sabines*. But before the Consuls left Rome, the two last tables of Laws, which had not yet been established

Livy, B. 3.
c. 57.

in due form, received the proper sanction, and, being ^{Y. of R.} engrav'd in brass, were fix'd up in the *Forum*.

Each Consul obtained a compleat victory. Nevertheless the Senate being dissatisfy'd with these Magistrates, ^{304.} ^{Bef. J. C.} on account of their excessive popularity, and the little ^{448.} regard they had shewn for the honour or interest of their ^{c. 60.} own order (even less than the Tribunes) decreed only ^{57.} ^{seq.} one day's *supplications* (or solemn thanksgivings) in the ^{D. Hal.} name of both; but the People, of their own motion, ^{B. 11.} prolonged the ceremony all the next day. ^{p. 727.}

In the mean time, the Generals returned and ap- ^{Livy, B. 3.} ^{c. 63.} peared with their legions in the *Campus Martius*; and hither they summoned the Senators. Of this several of the chief among them very much complained, as if the Senate was held in the midst of arms, with a view to keep it in awe. The Consuls hereupon removed the Assembly to the *Flaminian Meadows*, and there presented their petition for a TRIUMPH. Many of the *Fathers* stood up and warmly oppos'd their request; but *C. Claudius* especially spoke with great bitterness on this occasion. Directing his speech to the Consuls, "Did you ^{D. Hal.} ^{B. 11.} ^{p. 728.} not solemnly promise us, that the abdication of the Decemvirs should be followed by a general pardon? And yet no sooner had we oblig'd those Magistrates to depose themselves, but some of them were murdered, and others constrained to banish themselves from their country to save their lives. *Appius*, the head of the *Claudian* family, the chief of the Decemvirs, was strangled in prison, without the least form of justice, and without so much as being heard in the Assembly of the People, left, moved to pity by the tears and desolation of a family that has deserved so well of the Republic, they should have overlooked his faults. Our Consuls, the heads and protectors of the Senate, they, who ought to have expos'd their very lives for the preservation of its dignity, have basely conniv'd at the murder of the unfortunate *Appius*, and prosecuted no body for it."

The Senate, exasperated still more against the Consuls by this discourse of *C. Claudius*, declared them un-

Y. of R. worthy of the honours they sued for, and they were
 304. given to understand that they ought to be well content
 Bef. J. C. if they escaped punishment. *Valerius* and *Horatius*,
 448. provoked at the intended ignominy, carried their
 60th Con- complaints before the Assembly of the People, and
 sulship. there the Tribune *Icilius* demanded the TRIUMPH in
 their behalf. Many Senators went to the *Forum* to pre-
 vent the effects of this cabal, and, among them, C.
Claudius. Though he had always been averse to the
 Government of the Decemvirs, yet he could never pardon
 the two Consuls for having delivered up his nephew to
 the fury of the Tribunes. With great vehemence he
 cried out to the People, that it was over the Senate,
 and not over the enemy that the Consuls desired to
 triumph; that they sought a reward for a particular
 favour done to the Tribune, not for any worthy deed,
 any real merit; that the Commons had no right to be-
 stow the honours of the TRIUMPH; nor had ever be-
 fore pretended to it; that this was a prerogative which
 belonged to the Senate only; and that the Republic
 would never be free and quiet, till the two Orders in the
 State forbore to encroach upon the rights and privileges
 of each other. No regard was had to these remon-
 strances; the Tribes unanimously decreed the TRI-
 UMPH to the Consuls; and that it was afterwards
 thought a legal one may be well concluded from its
 having a place in the Capitoline Fasti.

Liv. ibid.
 and
D. H. p.
 729.

Livy, B. 3.
 c. 64.

§. II. THE Tribunes did not stop here; the
 power they had in the Commonwealth by their good
 understanding with the two Consuls, encouraged them
 to form the design of getting themselves continued in
 the Tribuneship after the expiration of their year: and,
 to keep their ambition in countenance, they moved
 likewise that *Valerius* and *Horatius* might be continued
 in the Consulship. They pretended that the Senate
 had entered into a plot against the rights and immu-
 nities of the People; and that the new Laws would be
 in great danger of being annulled, if, before they
 were solidly established, other Consuls of quite contrary
 dispositions

dispositions to those of the present should be chosen to ^{Y. of R.} the Government.

Luckily for the Commonwealth, it had fallen to ^{304-305.} *DUILIUS* to *preside* in the *Comitia* (the same *DUILIUS*, ^{Bel. Y. C.} who had put a stop to the prosecutions against the ^{448.} adherents of the Decemvirs.) He, foreseeing the mischievous consequences of the measure proposed by his Collegues, declared, that he would not admit them for candidates, nor make any account of votes given in favour of any one of them: and when, upon their pressing him either to leave the Assembly *free*, or to resign his Presidentship, a warm dispute arose, he sent for *Valerius* and *Horatius* to his Tribunal, and there asked them privately, "What they intended to do, at the next *Comitia* for creating Consuls?" They answered, *Create new Consuls*. The President instantly advancing with them into the Assembly, put this Question to them before the multitude. "If the ROMAN PEOPLE, mindful of the part you acted in recovering the Public Liberty, and mindful of your other services, both at home and abroad, should, in consideration of your merit, re-elect you to the Consularship, what resolution would you take?" Their Answer to this imported the same intention which they had expressed in their answer to the first question. *Duilius* praised them highly for not following the example of the Decemvirs; and then held the *Comitia* for electing Tribunes. After *five* new ones had been chosen, the President perceiving, that the other candidates would not be able to engage a majority for them because of the busy opposition of his nine Collegues, dismissed the Assembly. Nor did he appoint another day for the meeting of the Tribes to compleat the number of *ten* Tribunes. He alledged, that he had satisfied the Law; which no where required, that the whole number of Tribunes should be chosen at one and the same time; but, on the contrary, had expressly directed, that in case the whole number of ten Tribunes were not chosen on the day of election, those who were chosen should themselves nominate persons to fill the vacant places.

Y. of R. It was in this manner that *Duilius*, to the satisfaction
 304. of both Senate and Commons, defeated the ambitious
 Bel. J. C. attempt of his Collegues; and when he had reminded
 448. the last, that there could not be *fifteen* Tribunes in the
 60th Con- Republic, he laid down his magistracy.
 sulship.

Livy, B. 3. The five new Tribunes presently discovered that they
 c. 65. were under the influence of the Senate: for among
 those they named to be their Collegues in the Tribuneship
 (which naming was then called *Co-optation*) were *Sp. Tarpeius*, and *A. Æternius*, old Senators, and who had
 both possessed the consular dignity in the year 299.

Y. of R. At the election of Consuls for the year 305, the
 305. Fasces were transferred from *Valerius* and *Horatius* to
 Bel. J. C. *Lartius Herminius* and *T. Virginus*. These Magistrates
 447. being no zealots for either party, their Government was
 61st Con- entirely pacific. But *L. Trebonius*, one of the Tri-
 sulship. bunes, extremely angry at the management of *Duilius*,
 (in the late election of Tribunes) which had opened a
 way for *Patricians* into that College, made heavy
 complaints of it to the Commons. He gave himself
 entirely up, during the whole year, to cross the Senate
 in every thing, whence he acquired the Surname of *As-*

• *Crabbed*. per *. And in order to prevent, for the future, any
 Tribunes, (gained over by the Senate) from doing as
Duilius had done, he proposed a Law which he got
 passed, and which from his name was called *Lex Tre-*
bonia, by which it was ordained, *That whoever should*
hereafter hold the Comitia for electing Tribunes of the
Commons, should not dissolve the Assembly till the number
of TEN Tribunes was compleated by the votes of the Tribes.
 This Law put an end to the practice of *Co-optation*.

Y. of R. §. III. *M. GEGANIUS* and *C. Icilius* succeeded
 316. *Herminius* and *Virginus* in the Consulate. The Ple-
 Bel. J. C. beians began now to complain, and not without cause,
 446. that the young *Patricians* treated them injuriously;
 62d Con- and though the graver and wiser part of the Senate did
 sulship. not approve of the haughty and outrageous behaviour
 of those youths, yet they would not abandon them to
 the fury of the Tribunes. They thought it better (says
Livy) if the bounds of equity must be transgressed, and

one

one party must over-bear the other, that their own Y. of R. People should have the ascendant: so difficult a mat-^{306.} ter is it to act with moderation in the maintenance of^{Bef. 7. C.} liberty, every one, under pretence of *levelling*, exalting^{446.} himself in proportion as he lowers another. While^{62d Con.} men are endeavouring to get free from the fear of o-^{fulship.} thers, they make themselves be feared; to avoid oppression they oppress; as if there was a necessity that we must either *do* injustice, or *suffer* it.

The Consuls found means to quiet the cabals of the Tribunes on this occasion without employing invectives against them, or suffering the Majesty of the Senate to be offended. There was neither contention at home nor war abroad when they resigned the fasces to * 7. Y. of R. *Quintius Capitolinus* and *Agrippa Furius*. But this^{307.} calm did not last long. The young Nobles could not^{Bef. 7. C.} forbear insulting the *Plebeians*, nor these submit to be^{445.} insulted. The aggressors were cited to appear before^{63d Con.} the People; fierce contentions and scuffles always fol-^{fulship.} lowed. The report of these new dissensions were to * A 4th^{time Conf.} the *Æqui* and *Volsi* as the signal for taking arms.^{Livy, B. 3. c. 66.} They assembled their forces, fell first upon the *Latine* territory, and, meeting with no resistance, advanced so near to *Rome* as to drive off the cattle that were grazing before the *Æsquiline* gate. The Consuls would have raised troops to repulse these invaders, but the Commons, at the instigation of their Tribunes, refused to list themselves. Hereupon the Consul *Quintilius*, a man illustrious by several victories, respected for the purity of his manners, and the wisdom of his counsels, having convened a general Assembly of the People, spoke to them to this effect.

“ Though I am not conscious, O *Romans*, of any c. 67, 68.
“ crime by me committed, it is yet with the utmost
“ shame and confusion I appear in your Assembly.
“ You have seen it—Posterity will know it.—In the
“ fourth Consulship of *Titus Quintius*, the *Æqui* and
“ *Volsi* (scarce a match for the *Hernici* alone) came in
“ arms to the very gates of *Rome*, and went away a-
“ gain unchastised! The course of our manners indeed,
“ and

Y. of R.^{307.} “ and the state of our Affairs have long been such,
 Bet. J. C.^{445.} “ that I had no reason to promise myself much good;
 63d Con- “ but could I have imagined, that so great an ignominy
 sulship. “ would have befallen me this year, I would by death
 “ or banishment (if all other means had failed) have
 “ avoided the station where I now am. What? Might
 “ *Rome* then have been taken, if those men who were
 “ at our gates had not wanted courage for the attempt?
 “ —*Rome* taken, while I was Consul!—Of honours I
 “ had sufficient—Of life enough—more than enough—
 “ Three Consulships—I should *then* have died.

“ But who are they whom our dastardly enemies
 “ thus despise? the CONSULS? or YOU, *Romans*? If we
 “ are criminal, depose us, punish us yet more severely.
 “ If *you* are in fault—may neither Gods nor men punish
 “ *your* faults! only may *you* repent.

“ No, *Romans*, the confidence of our enemies is
 “ not owing to *their* courage, or to their belief of *your*
 “ cowardice: They have been too often vanquished
 “ not to know both themselves and you. Discord, dis-
 “ cord is the ruin of this city. The endless disputes
 “ between the Senate and the Commons are the sole
 “ cause of our misfortunes. While we will set no
 “ bounds to our domination, nor you to your liberty;
 “ while you impatiently endure *Patrician* Magistrates,
 “ and we *Plebeian*, our enemies take heart, grow elated
 “ and presumptuous.

“ In the name of the immortal Gods, what is it,
 “ *Romans*, you would have? You desired Tribunes:
 “ for the sake of peace we granted them. You were
 “ eager to have Decemvirs: we consented to their cre-
 “ ation. You grew weary of these Decemvirs: we
 “ obliged them to abdicate. Your hatred pursued
 “ them when reduced to be private men; and we suf-
 “ fered you to put to death or banish *Patricians* of the
 “ first rank in the Republic. You insisted upon the re-
 “ storation of the Tribuneship: we yielded. We
 “ quietly saw Consuls of your own faction elected.
 “ You have the protection of your Tribunes, and the
 “ privilege of *appeal*: the *Patricians* are subjected to
 “ the

“ the decrees of the *Commons*: under pretence of equal Y. of R.
 “ and impartial laws, you have invaded our rights; 307.
 “ and we have suffered it, and we still suffer it. When Ref. J. C.
 “ shall we see an end of discord? When shall we have 445.
 “ one interest, and one common country? Victorious 63d Con-
 “ and triumphant, you shew less temper than we under sulship.
 “ our defeat. When you are to contend with *us*, you
 “ can seize the *Aventine* hill, you can possess yourselves
 “ of the *Mons Sacer*. The *enemy* is at our gates, the
 “ *Æsquiline* is near being taken, and no body stirs to
 “ hinder it. But against *us* you are valiant, against *us*
 “ you can arm with all diligence. Come on then, be-
 “ siege the Senate-House, make a camp of the *Forum*,
 “ fill the jails with our prime Nobles; and when you
 “ have atchieved these glorious exploits, *then* at least
 “ sally out at the *Æsquiline* gate with the same fierce
 “ spirits against the enemy. Does your resolution fail
 “ you for this? Go then, and behold from our walls
 “ your lands ravaged, your houses plundered and in
 “ flames, the whole country laid waste with fire and
 “ sword. Have you any thing here to repair these da-
 “ mages? Will the Tribunes make up your losses to
 “ you? They’ll give you words as many as you please;
 “ bring impeachments in abundance against the chief
 “ men in the State; heap laws upon laws; Assemblies
 “ you shall have without end: but will any of you re-
 “ turn the richer from those Assemblies? You imagine,
 “ perhaps, that those flatterers, those popular men,
 “ who will neither let you live in quiet at home, nor
 “ take arms against our foreign enemies, are animated
 “ by a zeal for *your* interests. It is honour, it is profit
 “ to *themselves* they seek. When domestic peace and
 “ unanimity reign, they find, they have no business,
 “ they are of no consideration; and they had rather
 “ be leaders in tumults and seditions, than not bustle
 “ about, and make a figure. *Romans*, beware of such
 “ friends; undeceive yourselves. Do but resume your
 “ former spirit and manners, and there is no punish-
 “ ment to which I will not submit, if I do not, in a
 “ few days, disperse and put to flight the invaders of
 “ our

Y. of R. "our country, the pillagers of our lands. This terror
 307. "of war, (with which you seem to be so grievously
 Bef. J. C. "struck) shall quickly be removed from *Rome* to their
 445. "own cities."

63d Con- Never, says *Livy*, were the Commons more pleased
 fullship. with the flattering speeches of a Tribune, than they
 Livy, B. 3. were with the reproachful one of this generous Consul.
 c. 69. The Senate was no less charmed with his conduct; the
 wisest and most eminent men of that body declared,
 that other Consuls had either betrayed the dignity and
 rights of the Senate, to win favour with the Multitude,
 or, by the rough imprudent measures they had taken
 to keep them under, had only exasperated them to a
 higher pitch: but that *Quinctius*, without forgetting
 the honour of the Senate, had wisely suited his discourse
 to the times, and had shewn that he had nothing at
 heart but the union of the two orders, and the majesty
 of the *Roman* name.

Consuls and Tribunes, Senate and People, all con-
 curred unanimously in taking arms. The contention
 now was, who should appear most forward, so that the
 levies were quickly made; each cohort chose its Cen-
 turions, and had two Senators placed at the head of
 it; and all things were done with so much expedition,
 that the army, that very day, marched ten miles on
 its way. The next, the Consuls came in sight of the
 enemy, and the day following gave them battle. The
 c. 70. *Æqui* and *Volsi* fought with great courage and resolu-
 tion, but victory declared for the *Romans*. The first
 advantage gained was by the *Roman* cavalry under *S.*
Sulpitius, one of the Consuls Lieutenants. They put
 the enemy's horse to the rout, and then falling upon
 the main body of their infantry, both terrify'd and dis-
 order'd it. *Quinctius* (who commanded the right wing
 of the *Romans*) soon after forced the *Volsi*, who faced
 him, to give ground. But *Agrippa Furius* in the left
 wing met with a more obstinate resistance from the
Æqui. Impatient of being less successful than the o-
 ther Generals, he snatched some of the ensigns from
 the officers who bore them, and threw them into the
 midst

the People, *The Law* (in the twelve tables) which forbade *Patricians* to inter-marry with *Plebeians*, should be repealed: And, soon after, nine of the Tribunes moved, that a new law should be made, qualifying *Plebeians* to stand for the Consulship. *M. Genucius* and *Caius Curtius*, the present Consuls, thought to defeat these projects by leading the Citizens into the field. The *Ardeates* had revolted on account of the unjust proceeding of the People of *Rome* in their affair, and it was said, that the *Veientes* had begun hostilities. There was a rumour also, that the *Æqui* and *Volsci* were preparing to renew the war. Countenanced by these alarms, the Senate ordered troops to be raised with the same diligence as the last year. But then *Canuleius* in the most peremptory manner protested, that, while he had breath, no levies should be made, unless the laws proposed by him and his Collegues were first received. This said, he strait went out of the Senate-House and convened the People. The Consuls full of indignation inveighed in the sharpest terms against the Tribunes, whose madness, they said, was no longer to be endured; that they raised a war within the city, more dangerous than that without it; that no domestick peace could be maintain'd in a State which had Senators and Tribunes; that the *Conscript Fathers* must absolutely resolve either to resign their own authority, or abolish that *Plebeian* Magistracy. "What a detestable project is this of *C. Canuleius*? He is for mingling, by shameful marriages, the blood of the Nobles with that of the Commons. If he brings this about, those who are born of such marriages will hardly know, whether they belong to the *Patrician* or *Plebeian* Body, and the Auspices, publick and private, will be confounded. And as if it was not enough to destroy all distinction of birth, and to break thro' all rights both divine and human, the Collegues of *Canuleius*, those other disturbers of the public quiet, have the boldness to lift their eyes to the very Consulship itself. We are now just on the point of seeing that great dignity fall a prey to the *Canuleii* and the *Icili*

Y. of R.
308.
Bef. J. C.
444.
64th Con-
sulship.
Liv. B. 4.
c. 1.

c. 2.

Y. of R. " *Icilius*. But let those *new men* be assured, that the
 308. " Gods, protectors of this Empire, will never suffer
 Bef. J. C. " it; and that we ourselves will rather die a thousand
 444. " deaths, than bear so great an infamy."

64th Con- " While the Consuls were thus exasperating the Senate
 fulship. against the Tribunes, the Tribunes were exciting the
 anger of the Plebeians against the Consuls. These left
 the Senate-House, and repaired to the Forum. " What
 " an insult upon us! *cried Canuleius*. If we are not so
 c. 3. " rich as the *Patricians*, are we not citizens of *Rome*
 " as well as they? Inhabitants of the same country?
 " Members of the same community? The nations
 " bordering upon *Rome*, and even strangers more re-
 " mote are admitted not only to marriages with us,
 " but to what is of much greater importance, *the free-*
 " *dom of the city*. Are *we*, because we are Common-
 " ers, to be worse treated than strangers? And when
 " we demand that the People may be free to bestow
 " their offices and dignities on whom they please, do
 " we ask any thing unreasonable or new? Any thing
 " more than a restitution of the People's natural right?
 " What occasion then for all this uproar, as if the u-
 " niverse was falling to ruin? (They were just going
 " to lay violent hands upon me in the Senate-house.)
 " What? must this Empire then be unavoidably over-
 " turned, must *Rome* of necessity sink at once, if a
 " *Plebeian*, worthy of the office, should be raised to
 " the Consulship? The *Patricians*, I am persuaded, if
 " they could, would deprive you of the common light.
 " It certainly offends them to see that you breathe,
 " that you speak, that you have the shapes of men
 " —Nay, but to make a Commoner a Consul would
 " be, *say they*, a most enormous thing.—*Numa Pom-*
 " *pilius*, however, without being so much as a *Roman*
 " citizen, was made King of *Rome*. The elder *Tarquin*,
 " by birth not even an *Italian*, was nevertheless placed
 " upon the throne. *Servius Tullius*, the son of a cap-
 " tive woman (no body knows who his father was) ob-
 " tained the Kingdom as the reward of his wisdom
 " and virtue. In those days no man in whom virtue
 " shined

“ shined conspicuous, was rejected or despised on ac-^{Y. of R.}
 “ count of his birth and descent. And did the state ^{308.}
 “ prosper the less for that? Were not those strangers ^{Bel. 7. C.}
 “ the very best of all our Kings? And supposing now ^{444.}
 “ that a *Plebeian* should have their talents and merit, ^{64th Con-}fulship.
 “ must not he be suffered to govern us because he
 “ is a *Plebeian*? Shall we rather have Consuls resemb-
 “ ling the *Patrician* Decemvirs, the most detestable of
 “ mortals, than such as resemble the very best of our
 “ Kings, who were *New Men*?

“ But we find, that upon the abolition of the regal
 “ power, no Commoner was chosen to the Consulate.
 “ And what then? Before *Numa*’s time there were no
 “ Pontifices in *Rome*. Before *Servius Tullius*’s days
 “ there was no *Census*, no division of the People into
 “ Classes and Centuries. Who ever heard of Consuls
 “ before the expulsion of *Tarquin the Proud*? Dicta-
 “ tors, we all know, are of modern invention; and so
 “ are the offices of Tribunes, *Ædiles*, *Quæstors*.
 “ Within these ten years we have made Decemvirs,
 “ and we have unmade them. Is nothing to be done
 “ but what has been done before? That very law for-
 “ bidding marriages of *Patricians* with *Plebeians*, is not
 “ that a new thing? Was there any such Law before
 “ the Decemvirs enacted it? and a most shameful one
 “ it is in a free State.

“ Such marriages, it seems, will taint the pure
 “ blood of the Nobility. Why, if they think so, let
 “ them take care to match their sisters and daughters
 “ with men of their own sort. No *Plebeian* will do
 “ violence to the daughter of a *Patrician*. Those are
 “ exploits for our prime Nobles. There is no need to
 “ fear that we shall force any body into a contract of
 “ marriage. But to make an express Law prohibiting
 “ marriages of *Patricians* with *Plebeians*, what is this,
 “ but to shew the utmost contempt of us, and to de-
 “ clare one part of the community to be impure and
 “ unclean? Why don’t they lay their wise heads to-
 “ gether to hinder rich folks from matching with
 “ poor?

“ They

Y. of R.

308.

Bef. J. C.

444.

64th Con-

sulship.

“ They talk to us of the confusion there will be of families, if this Statute shall be repealed. I wonder they don’t make a Law against a Commoner’s living near a Nobleman, or going the same road that he is going, or being present at the same feast, or appearing in the same market-place. They might as well pretend, that these things make confusion of families, as that inter-marriages will do it. Does not every body know that the children will be ranked according to the quality of the father, let him be *Patrician* or *Plebeian*? In short, it is manifest enough, that we have nothing in view but to be treated as men and citizens; nor can they who oppose our demand have any motive to do it but the love of domineering.

“ I would fain know of you Consuls and *Patricians*, Is the sovereign power in the People of *Rome* or in you? I hope you will allow, that the People can at their pleasure either make a Law, or repeal one. And will you then, as soon as any Law is proposed to them, pretend to lift them immediately for the war, and hinder them from giving their suffrages by leading them into the field?

“ Hear me, Consuls: Whether the news of the war you talk of be true, or whether it be only a false rumour spread abroad for nothing but a colour to send the People out of the City; I declare, as Tribune, that this People, who have already so often spilt their blood in our country’s cause, are again ready to arm for its defence and its glory, if they may be restored to their natural rights, and you will no longer treat us like strangers, in our own country. But if you account us unworthy of your alliance by inter-marriages, if you will not suffer the entrance to the chief offices in the State to be open to all persons of merit indifferently, but will confine our choice of Magistrates to the Senate alone, Talk of wars as much as ever you please; paint in your ordinary discourses the league and power of our enemies ten times more dreadful than you do now;

“ I declare

"I declare that this People whom you so much despise, and to whom you are nevertheless indebted for all your victories, shall never more enlist themselves; not a man of them shall take arms, not a man of them shall expose his life for imperious Lords, with whom he can neither share the dignities of the state, nor in private life have any alliance by marriage."

After long speeches made on both sides, the Consuls and Tribunes fell to altercation. *Canuleius* asked the Consuls, what reason could be assigned, why a *Plebeian* might not attain to the Consulship? It was answered, (perhaps with truth, says *Livy*, but to little purpose, on the present occasion) "That no *Plebeian* had a right to the auspices; and that the *Decemvirs* had prohibited marriages between persons of different Orders, that the auspices being taken only by *Patricians*, whose blood was pure and unmixed, there might be no profanation of that religious Rite." No words can express the indignation of the People at this answer: To hear that they were excluded from taking the auspices as men hateful to the Gods on account of their birth!

The fury of the multitude rose to such a height, that the Senate found it necessary to let *Canuleius's* law concerning marriages pass. They hoped that this concession would induce the other Tribunes to give over entirely the pursuit of the law relating to the Consulship, or at least to suspend it till the conclusion of the war: But their hope proved vain: Those Tribunes, tho' the alarm from abroad daily increased, still opposed the musters, and pushed their point with the same zeal as before: Nay, they all publickly swore by their Faith, (the most solemn oath then in use among the Romans) that they would not be diverted from their purpose by any persuasion whatsoever.

§. II. THESE violent proceedings greatly distressed the Consuls. They saw plainly that they must yield the victory either to the Commons at home, or to the enemy abroad. They held private councils at their own

Y. of R.
308.
Bel. J. C.
444.
64th Cong.
sulship.

Livy, B.
4. c. 6.

D. Hal. B.
11. p. 731.
Livy, B. 4.
c. 6.

Y. of R. own houses, with the Senators of their party. C. Claudius, who had received from his ancestors an hereditary hatred, as it were, to the faction of the People, spoke first, and gave it as his opinion, that the Senate should rather have recourse to arms, than yield the dignity of the Consulship to the People; and that without distinction they ought to treat as public enemies all persons, let them be private men or Magistrates, who should attempt to change the form of the Government. But the two *Quintii*, who abhorred all thoughts of shedding Roman blood, put the Senate in mind of the solemn engagement they had entered into with the *Commons* to hold the persons of the Tribunes sacred and inviolable, and they advised them rather to yield up part of their prerogatives, than run the hazard of a civil war.

All the rest of the assembly having declared themselves of this opinion, C. Claudius rose up again: "I submit; the sentiment of so many wise and worthy men is not to be contradicted: But since you think it proper to admit *Plebeians* into the Government, let us endeavour to satisfy this restless People, without debasing the Majesty of the Consulship. And in order to this, I propose, that instead of Consuls, we elect such a number of *Military Tribunes* as shall be agreed upon, to be chosen one half out of the Senate, the other from among the *Plebeians*, and that these Magistrates be invested with Consular power. The People by this means will be satisfied; and the Consulate in more favourable times may resume its ancient Splendor and Majesty." Great praises were given to Claudius, and the whole Assembly agreed to the proposal. Then addressing his speech to M. Genucius, first Consul: "In order to succeed in this design, I would advise you to convene the Senate, send for the Tribunes of the People, and, when the Assembly is formed, declare that you invite all who love their country, to speak their minds freely with relation to the new laws demanded by
" the

the People. Then gather the opinions; and, instead of beginning with *T. Quinctius*, me, or any of the ancient Senators, begin with *Valerius* and *Horatius*. When these have delivered their sentiments, then ask ours. For my part I shall declare my thoughts freely, and oppose the pretensions of the Tribunes with all my might, as indeed I think it my duty to do. But if you are willing to have *Military Tribunes*, let your brother *T. Genucius* make the motion. He is the fittest Person to make it; and I can assure you, it will not be in the least suspected if it comes from him.”

All approved of this Scheme. The Consuls soon after convened the Senate; and when they had recommended concord and moderation to the Assembly, invited the Tribunes to give their reasons in behalf of the new laws. *Canuleius* instead of speaking to the matter in question, ran wholly into bitter complaints against the two Consuls, for holding secret Assemblies, from which, *he said*, all the Senators who were friends to the People had been excluded, and particularly *Valerius* and *Horatius*, than whom there were not wiser men, nor men of more merit in the Republic.

The Consul *Genucius* replied, that they had indeed assembled some of the older Senators, but only to consult with them, whether it would be better instantly to propose the new laws to the Senate, or to defer it till the end of the campaign: That if they did not invite *Valerius* and *Horatius* to that council, it was purely to avoid making the People suspect that these Senators had changed their party. He added, “And to convince you that my Colleague and I are impartial, we shall give you this proof of it. Tho’ it be the custom for the Consuls to ask the opinions of the oldest Senators first, yet, as you do not believe them to be friends to the People, we will now change that method, and begin with *Valerius* and *Horatius*.” Then, addressing himself to *Valerius*, he invited him to declare his opinion.

Valerius made a long preamble expatiating upon his

Y. of R. own services to the Republic, and upon those of his
 308. ancestors. He then turned his panegyrick upon the
 Bef. J. C. People, and recounted their merit. He added, that no
 444. city could be called free, where the citizens were not
 64th Con- all upon an equality with regard to rights and privileges;
 sulship. and that he saw no reason why the *Plebeians* should be
 excluded from the Consulate. However, he at the
 same time declared, that he thought the consideration
 of this affair ought to be deferred to the end of the
 war; and he exhorted the Tribunes of the People to de-
 sist from their opposition to the levies which the Con-
 suls demanded. On the other hand, he exhorted the
 Consuls to make it their first business, as soon as the
 war should be happily concluded, to procure a *Senatus-
 consultum*, for empowering the Assembly of the People to
 decide upon the affair in question; and he was for having
 the two parties come immediately to a formal written
 agreement to do as he advised. *Horatius*, whose
 opinion was asked next, spoke much to the same effect.

D. Hal.
 B. 11.
 P. 735.

This advice raised a murmur in the Assembly, for it
 was not thoroughly liked either by those who were
 against the law, or by those who were for it. The
 first were pleased with the motion for postponing the
 affair, but they could not digest the proposal of resuming
 it after the end of the war. On the other hand, the fa-
 vourers of the People, tho' glad to find that those two
 eminent Senators held the law to be reasonable, were
 yet uneasy at the thoughts of any delay in passing the
Senatus-consultum.

The Consuls then asked the opinion of *C. Claudius*,
 who was looked upon as the main pillar and support of
 the *Patrician* faction. He pronounced with great spirit
 a studied harangue against these new pretensions of the
 People. He enumerated all their deviations from the
 excellent manners and institutions of their forefathers,
 and concluded against suffering the new proposal to be
 brought into deliberation, either now, or at any time
 hereafter.

Claudius's speech did not fail to produce a commo-
 tion in the Assembly. The Consul *M. Genucius*, to put
 a stop

a stop to it, called upon his brother *Titus* to give his ^{Y. of R.} opinion. This Senator declared, that it was with the ^{308.} greatest concern he beheld the Commonwealth afflicted ^{Ref. J. C.} with two scourges at the same time, a foreign war, and ^{444.} domestic feuds; that he found there was no avoiding ^{64th Con-} fulship. one of two evils, the strengthening of the enemy by a continuation of the intestine broils in the Republic, or the hurting of the constitution by new concessions to the People: That the case being so, he was of opinion rather to yield up part of the prerogatives of the Nobility to the *Plebeians*, than abandon the territory of *Rome* to be ravaged by strangers. He added, "But since the ancient Senators are so averse to the thoughts of seeing the Consular dignity in the hands of *Plebeians*, a medium may perhaps be found to satisfy both parties. What if we should suppress for a time that dignity, and create, in the room of two Consuls, six **MILITARY TRIBUNES**, who shall have the same functions and the same authority? Let three of the number be *Patricians*, and the other three be *Plebeians*. Next year the Senate and People may decide in a general Assembly, whether they will restore the Consulship, or continue to elect Military Tribunes."

This proposal (of which *Claudius* was the true author) ^{D. Hal.} was approved by plurality of voices. *T. Genucius* had ^{P. 736.} the praises of both the Senate and the People for his happy thought; the Senators were glad to have excluded the *Plebeians* from a dignity which they hoped to re-establish with all its prerogatives in more favourable times; and the People, without disturbing themselves about an empty Name, could not contain their joy at seeing themselves at length admitted to share in the government of the Commonwealth.

§. III. SOME days after, an Assembly was held ^{Livy, B.} for the election of these new Magistrates. Several of ^{4. c. 6.} the chief *Plebeians*, and especially those who had been ^{D. Hal.} Tribunes, appeared in the *Forum* cloathed in white, ^{ibid.} and solicited the People for their voices; but the multitude, satisfied with having it in their power to raise *Plebeians* to the Government, would give their votes to

Y. of R. none but *Patricians*, so that only three Military Tribunes were chosen, *A. Sempronius Atratinus*, *L. Attilius*, and *T. Cecilius* or *Clelius* *. *Livy* adds, "Where shall we now find in any one man, that moderation, that equity, that greatness of soul, which were then conspicuous in a whole People?" *Dionysius*, on the contrary, imputes their behaviour, on this occasion, to nothing but that levity so natural to the multitude, in all ages and nations.

But these new Magistrates were obliged to abdicate within three months after their election, upon account that *C. Curtius*, who had presided at it, gave notice, that in taking the *Auspices*, (a ceremony which always preceded the elections of the curule Magistrates,) the due forms had not been strictly observed. The Romans were very scrupulous in the least circumstances that concerned their religion; but perhaps the *Patricians* created this scruple only with a view to restore the Consular Office. The Military Tribunes had no sooner resigned their authority, but an *Inter-rex* was named, that the Commonwealth might not remain without a Head. The main question now was, whether Consuls or Military Tribunes should be appointed to the Government: The Senators failed not to declare for the former; the People at first for the latter: But as they knew themselves resolved to chuse none but *Patrician* Governors, they soon grew indifferent; and the Tribunes themselves chose rather to proceed to an election where they could not be candidates, than to one where they were sure to suffer the disgrace of being rejected as unworthy. And thus by the joint consent of the Senate and People, the *Inter-rex* appointed Consuls, for the remaining part of the year. *L. Papirius Mugillanus*, and *L. Sempronius Atratinus*, brother to

* *Livy* makes the first Military Tribunes to take place in the year 310. The Fast. Cap. in 309.

† *D. Hal.* says, that the Assembly of the People chose these Consuls. And *Livy* means no more, by imputing the choice to the *Inter-rex*, than that the *Inter-rex* presided in the Assembly. See Vol. I. p. 100.

one of those *Patricians* who had abdicated the Military Y. of R.
Tribuneship, were the persons named. 309.

Nothing considerable happened during the Govern-
ment of the late Military Tribunes, or during the pre-
sent Consulship. The union between the two orders in
the Republic kept the neighbouring powers quiet; and
even the *Ardeates* submitted, and renewed their alliance
with *Rome*. The Senate gave them good words con-
cerning the restitution of their lands in due time; but
they could not reverse a decree of the People. 443.
1 Mil-
Trib.

§. IV. IN the following Consulate of *M. Geganius* Y. of R.
and **T. Quinctius*, the CENSORSHIP was erected. This 310.
new dignity, which at first seemed of but small impor-
tance, became in time, by the power annexed to it, 442.
the pinnacle of honour, and the most formidable Magi-
stracy in the Republic. 66th Con-
sulship.

As the spirit of conquest was what chiefly prevailed
in this nation, King *Servius Tullius*, in order to have a
sure supply of men and money, decreed, as has been
already shewn, that every five years an enumeration
should be made of all the *Roman* citizens, with an exact
valuation of every man's wealth. The Prince or Ma-
gistrate by this means could know immediately how
many inhabitants *Rome* had, that were capable of bear-
ing arms, and what contributions might be raised for
the expence of war. * 5th time
Consul.

But the Consuls, (almost continually employ'd in fo-
reign wars) not having had leisure in more than seven-
teen years to make that enumeration (which was called
the *Census*,) it was proposed for the ease of the Consuls,
that two Magistrates should be created, who, with the
title of CENSORS, should every five years take that ge-
neral review of the whole *Roman* People.

The Tribunes, tho' always upon their guard against
every thing offered by the Senate, did not oppose the
establishment of this new Magistracy. Nay, they did
not so much as demand that the *Plebeians* should be al-
low'd a share in it. The reason of this might be, that
they thought the powers and prerogatives of the Cenfor-
ship would be inconsiderable, or that the *Commons* gain-

Y. of R. ed a sufficient advantage by the diminution that was
 310. made of the Consular authority, the constant object of
 Bef. J. C. their envy and emulation.

442.
 66th Con- *Papirius* and *Sempronius*, the Consuls of the preceding
 sulship. year, were the first Censors; and this dignity was una-
 nimously conferred upon them, to make them amends
 for the short duration of their Consulship, which they
 did not enter upon till after the abdication of the *Mili-
 tary Tribunes*.

While the Consuls performed the Censorial functions,
 their whole business in that article had been to take an
 exact account of the names, estates, ages, and condi-
 tions of all the masters of families, and the names and
 ages of their children and slaves. But as men gene-
 rally study how to enlarge their own authority, the Cen-
 sorship was no sooner dismembered from the Consulship,
 and made a distinct Magistracy, than the Censors began
 to take upon them the reformation of manners. The
 Senators and Knights in process of time became subject
 to their censure as much as the meanest of the People.

When the Censors made their general review, the ci-
 tizens of all ranks trembled at the sight of their tribunal;
 the Senator, through fear of being *expelled* the Senate;
 the Knight, with apprehension of being *deprived of the
 horse* which the Republic kept for him; and the Com-
 moner, with dread of being *removed* from a higher tribe
 to a lower, or quite *disabled* from giving his vote in the
 Assemblies, or condemned to pay a fine. So that this
 wholesome terror was the support of the sumptuary
 laws, the bond of concord, and as it were the guardian
 of modesty and virtue *.

C H A P.

* After the second *Punic* war the Censors were always created out
 of such persons as had been Consuls, though it sometimes happened
 otherwise before. Their station came in time to be reckoned more
 honourable than the Consulship, though their authority in mat-
 ters of State was not so considerable: And the badges of the two offices
 were the same, only that the Censors were not allowed the *Lictors* to
 walk before them, as the Consuls were.

The Censorship continued no longer than to the time of the Empe-
 rors, who performed the same duty at their pleasure: And the *Flavian*
 family,

G H A P. XXXII.

§. I. *The Romans put an end to a civil war among the Ardeates. §. II. And the next year make them some amends for the wrongs they had done them on occasion of their contest with the Aricians. §. III. Sp. Mælius, a Roman Knight, and Corn-merchant, aspires to the sovereign-power. His designs are discovered by Minucius, Superintendant of provisions, in the Consulate of T. Quinctius Capitolinus (now a sixth time Consul) and Agrippa Menenius. Quinctius, on this occasion, names his brother Quinctius Cincinnatus Dictator, who appoints Servilius Ahala to be his General of the Horse. Mælius is slain by Servilius. Three of the Tribunes, provoked at this action, stir up the People to mutiny, and the Patricians, to pacify them, consent to the creation of Military Tribunes for the next year.*

§. I. **W**HILE the Consuls were thus remov-^{Y. of R.}
 ing from themselves some part of the ^{310.}
 burden which had been annexed to their office, ^{Bef. J. C.}
 a neighbouring city found them new employment ^{442.}
 abroad. The *Ardeates* were involved in a civil war, ^{66th Con-}
 occasioned by a dispute between two private citizens ^{salship.}
 of *Ardea*, one of a noble family, the other of a ^{Livy, B. 4.}
Ple- ^{c. 9}
beian, who had both fallen in love with the same young
 woman. She herself was *Plebeian*, and her guar-
 dians were for giving her to a man of her own rank;
 but her mother, an ambitious widow, was fond of
 matching her with a man nobly born. It became a
 party quarrel, and rose to such a height, that the *Ple-*
beians left the City in great numbers, encamped on a

family, *i. e.* *Vespasian* and his sons took a pride (as *Mr. Walker* * ob-
 serves) to be called Censors, and put this among their other titles up-
 on their coin. *Decius*, the Emperor, entered on a design of restoring
 the honour to a particular Magistrate, as heretofore, but without any
 success. † *Kem. Antiq. P. 2. B. 3. Ch. 7.*

* Of Coins and Medals.

† Vide Trebell. Poll. in *Decio*.

hill

Y. of R. hill in the neighbourhood, and from thence sent out parties that pillaged and laid waste the lands of the Nobility. The mutineers were joined by the *Volsi*, and having chose themselves a Commander, named *Cluilius*, laid siege to *Ardea*. The Nobles applied to the *Romans*. The Senate sent an Army to their relief, under the command of the Consul *Geganius*, who invested the besiegers, reduced them to surrender their arms, and made them pass under the yoke.

Livy,
B. 4.
c. 10.

But though *Geganius* returned to *Rome* with all the glory of a Conqueror, his triumph being attended with uncommon pomp and solemnity, yet his Colleague *Titus Quinctius*, who had continued in *Rome*, was, for his admirable conduct in the civil government, and his impartiality in the administration of justice, more esteemed and respected than he. No body ever knew better than *Quinctius* how to temper severity with mildness.

The Senators thought him sometimes too severe to the People, and yet the People were perfectly satisfied with his goodness to them. It is easy to imagine, that during such a wise administration, the People did not think of changing the form of Government, and creating Military Tribunes.

Y. of R.
311.
Bef. J. C.
441.
67th Con-
sulship.
c. 11.

§. II. *M. FABIVS* and *Posthumius Æbutius*, being chosen Consuls for the new year, made it their business to bury in oblivion the remains of that infamy which the *Roman* People had brought upon themselves by the unjust judgment formerly passed in relation to the *Ardeates*. They prevailed on the Senate to pass a decree for sending a colony to *Ardea*, to defend and re-people the city, much depopulated by the civil war. It was agreed, but secretly, for fear of the Tribunes, that no lands except those formerly in dispute, should be divided among the new colony, of which the greater part should not be *Romans*, but *Rutuli* (whose capital city was *Ardea*) and that no *Roman* should have any portion of the lands till all the *Rutuli* of the colony were provided for. This was in reality annulling the judgment of the People by an act of power. And accordingly *Agrippa Menenius*, *T. Clælius* and *M. Æbutius*, the Commissioners for

for making the distribution, were (after a faithful discharge of their trust) cited to appear before the People. But these three *Patricians* avoided the prosecution, by declaring themselves Citizens of *Ardea*, and continuing there.

The new year of *C. Furius* and *M. Papirius*, was as Y. of R. peaceful as the foregoing; not but that some Tribunes 312. of the Commons, always restless, endeavoured to revive Bel. J. C. the pretensions of the People, relating to the partition of 440. the lands: They even threatened, according to their 68th Con- old custom, to oppose the raising of soldiers: But as Livy, there were no wars then to be carried on, this menace B. 4 c. 12. was fruitless and despised.

§. III. ALL was quiet, when the next year, in the Y. of R. Consulate of *Proculus Geganius* and *L. Menenius*, there 313. happened a dreadful famine, which occasioned seditions, Bel. J. C. by means whereof a private man (if we may credit *Livy*) 439. was near getting possession of the sovereign power. The 69th Con- Senate imputed this scarcity of corn to the laziness and negligence of the *Plebeians*, who, intoxicated with the seditious harangues of the Tribunes, were always sauntering in the Forum, and instead of cultivating their lands, wasted their time in idle reasonings about state affairs. On the other hand the multitude (who always grumble at those who are at the helm) imputed the dearth intirely to the want of care in the Consuls. At length the People, with the Senate's approbation, appointed *L. Minucius*, an active, prudent man, to be principal purveyor and superintendant of provisions. *Minucius* sent his agents into the neighbouring countries all round to buy corn; but with little success. A *Roman Knight*, whose c. 13. name was *Sp. Melius*, one of the richest private men in the Commonwealth, had been beforehand with him at the markets in *Hetruria*, and had bought up, in that Province so much corn, at his private expence, as hindered the agent of the public from making the necessary Provision at a reasonable price. *Melius* with a liberal hand distributed among the necessitous, the corn he had amassed. It is said that the popularity he acquired by this means, gave him good ground to hope being

being one day raised to the *Consulship*. But this, it seems, was not enough to satisfy his ambition. Nothing less than *regal* Power would content him.

Y. of R. During the public calamity new Consuls were chosen,
 314. * *T. Quinctius Capitolinus* and *Agrippa Menenius*; but
 Bef. J. C. *Minucius* was continued in his office. His commission
 438. frequently obliging him, either by himself or his agents,
 70th Con- to have intercourse with the same sort of men, with
 sulship. whom *Melius* trafficked in his private capacity, the
 * 6th time purveyor, by their means, learnt that this ambitious
 Consul. Knight, under cover of that liberality, which drew
 crowds of People to his gate, formed Assemblies in his
 house; nay, he got information, that great quantities
 of arms were often carried thither by night.

He afterwards learnt that there was a conspiracy laid to change the form of the Government; that *Melius* aspired to the Royalty; that the People were to take arms in his favour; and that the Tribunes had consented to sell the public liberty.

Minucius, having discovered the whole secret of this conspiracy, immediately gave an account of it to the Senate. Heavy reproaches were thrown upon the Consuls of the preceding year, and on those of the present, for that so important a discovery should be first made by the Purveyor General; whereas the Consuls ought, not only to have been acquainted with *Melius's* wicked designs more early, but before this time to have punished him. *Quinctius* replied, that as to the latter, the Consuls were unjustly blamed; that they wanted neither courage nor resolution to punish so horrid an attempt; but that the consular Authority was too much restrained by the Laws of *Appeal*; that, if ever the business should be brought before a general Assembly, *Melius* would infallibly escape from justice, by the favour of the multitude, who were devoted to him; that in the present danger, the Republic stood in need of a Magistrate, not only firm and resolute, but above the laws; and that therefore he would name to the Dictatorship his brother *L. Quinctius Cincinnatus*, a man whose prudence and steady courage were answerable to that

that supreme authority. *Cincinnatus* would have declined the office, on account of his great age, being now past fourscore; but the Consuls and the whole Senate declaring that no man was so fit for it as he, and insisting upon his charging himself with the care of the Commonwealth in this critical juncture, he at length acquiesced, praying to the Gods, that the public weal might not suffer through his infirmities.

He named *Servilius Ahala* to be his General of the Horse, and the next day placed guards in all parts of the city, as if some foreign enemy had been at the gates of *Rome*. This precaution surprised all who knew nothing of the conspiracy; every body enquired the reason of so strange a novelty, and why a Dictator should be named in the midst of peace. But *Mælius* plainly saw, that the power of that supreme Magistrate was wholly bent against him; and therefore, to strengthen himself by the assistance of the multitude, he was now more liberal and bountiful than ever.

The Dictator, finding that nothing but a stroke of authority could crush so dangerous a plot, caused his Tribunal to be carried into the Forum, and ascended it, guarded by his Lictors armed with their axes. He then sent *Servilius*, his Master of the Horse, to cite *Mælius* to appear before him. *Mælius*, surprized, and in doubt what course to take, delayed to obey, and sought to make his escape. *Servilius* commanded a Lictor to arrest him; which the Lictor having done, *Mælius* cried out, that the Senate wanted to destroy him only out of jealousy, and because he had consecrated his estate to the relief of the poor; he implored the assistance of the multitude, and conjured his friends not to suffer him to be murdered in their presence. The People hereupon, encouraging one another, rescued him out of the Lictor's hands. *Mælius* threw himself into the crowd, to escape; but *Servilius* pursued him, overtook him, and with a stroke of his sword killed him out-right. Then, all sprinkled with the blood of the slain, he presented himself before the Dictator; "*Mælius (said he) refused to obey your sum-*
" mons,

Y. of R. 314. "mons, and endeavoured to raise a rebellion; he has
Bef. J. C. 438. "by this hand received his due punishment." 'Twas
70th Con- greatly done, (replied the old man) you have saved the li-
ber- berty of the Commonwealth.

fulshp. He then convened a general Assembly of the People,
Livy, B. 4. laid before them the crimes of *Mælius*, and pronounced
c. 15 & that he was justly slain^a. The Knight's house, by the
16. Dictator's order, was rased to the ground. Prodigious
quantities of corn were found there, which *Minucius*
selling to the People at low rates, they made no opposi-
tion to a Decree which ordered a statue to be erected
to his honour, as the reward of his vigilance.

But three of the *Tribunes*, who were doubtless the
confidants and accomplices of *Mælius*, could never for-
give either *Minucius* or *Servilius* the death of that am-
bitious Corn-merchant; they made loud complaints of
the murder; and the *Tribunes* in general were so much
provoked against the Senate, that they obstinately op-
posed the election of Consuls: The *Patricians*, to avoid
a tumult, were forced to consent that *Military Tri-
bunes* should be chosen to the Government, for the next
year.

Some *Tribunes of the Commons* flattered themselves,
that they should have a great sway in this election; but
notwithstanding all their cabals, the People, contented
with being allowed to stand candidates, gave their votes
to *Patricians* only. *Mamercus Æmilius*, *Julius Iulus*, and
L. *Quinctius*, (the son of the Dictator who had just
taken off *Mælius*) were the persons elected.

Y. of R. 315.
Bef. J. C. 437.
2d Mil.
Trib.

^a See what is said on this Matter, in the note at the end of chap. xiv.

C H A P. XXXIII.

§. I. *Fidenæ* revolts from the Romans, and puts itself
under the protection of *Tolumnius*, King of the *Veien-
tes*. The Romans name a Dictator, *Mamercus Æmi-
lius*, who defeats the enemy in a pitched battle, wherein
Cornelius Cossus, a legionary Tribune, kills *Tolum-
nius* and strips him of his armour. §. II. *Sp. Mælius*,
a Tribune

a Tribune of the Commons, commences a prosecution against Servilius and Minucius, for the death of Mælius the corn-merchant. §. III. The Veientes and Fidenates renew the war. Fidenæ is taken by the Romans. A law is passed restraining the office of Censor to eighteen months duration. §. IV. The Senate is obliged to humour the People, by suffering Military Tribunes to be created. However none but Patricians are chosen. The rich Plebeians complain of the poorer sort, for their having constantly refused to elect any of them to that Magistracy. The Senate, fearing lest some of the chief Plebeians should get into the Military Tribuneship, contrive, on occasion of a war with the Æqui, to get two Consuls chosen to the Government; but these disagreeing, through jealousy, the Senate judge it necessary to have a Dictator. The Consuls refuse to name one. The Senators rashly apply to the Tribunes to interpose in the affair. The Tribunes threaten the Consuls. Posthumius Tubertus is named Dictator. He defeats the enemy. §. V. The Æqui obtain a truce for eight years. Rome being afflicted with a famine and a plague, the People have recourse to foreign superstitions; which are soon prohibited. §. VI. The Veientes make incursions on the Roman lands. Disputes arising between the Senate and People about the prerogative of proclaiming war, the Romans do not take the field 'till the next year, when the People prevail to have Military Tribunes in the Government, but they chuse only Patricians. These not acting in concert are defeated by the enemy. Mamercus Æmilius, raised to the Dictatorship, gives the Veientes a total overthrow, and takes their camp, as also Fidenæ, which had again revolted from the Romans.

§. I. **T**HE tranquillity of the new administration Y. of R. was disturbed by the defection of Fidenæ, a city about five miles distant from Rome, on the side of ^{315.} *Sabinia*. It had been a Roman colony ever since ^{Ref. J. C.} *Romulus's* time. The Fidenates had frequently revolted; ^{437.} *2d Mil.* and now again, throwing off the yoke, they put them- ^{Livy, B. 4.} selves ^{C. 17.}

Y. of R. selves under the protection of *Tolumnius*, King of the
 315. *Veientes*. Nor did the *Fidenates* stop at rebellion only,
 Bef. J. C. but murdered four Ambassadors whom the *Romans* sent
 437. to them to ask the reason of their conduct. *Livy* re-
 2d Mil. lates, that they did this enormous deed by order of the
 Trib. King, whose aim (he supposes) was to extinguish in
 them all hope of a reconciliation with *Rome*. The pro-
 spect of coming soon to a bloody battle (for the war was
 already begun) determined the Republic to chuse
 Consuls, rather than Military Tribunes, for the ensu-
 ing year.

Y. of R. *M. Geganius* (a third time) and *L. Sergius* were elect-
 316. ed. It fell to the latter to conduct the war. But
 Bef. J. C. though he gained some advantage over the enemy, it
 436. cost the *Romans* dear, and they did not think fit to con-
 71st Con- tinue at the head of the army a General, who was so
 sulship. prodigal of *Roman* blood. The Senate ordered a Dic-
 tator to be created, and *Mamercus Æmilius* was nomi-
 nated by the Consuls. The very report of the election
 of a General, whose merit was equal to his employment,
 abated the confidence of the *Veientes* and *Fidenates*, who
 durst not appear in the field, 'till they were joined by
 the *Falisci*. The Dictator defeated these confederates
 Livy. B. 4. c. 18, 19, in a pitched battle. *Tolumnius* was slain in the action
 20. by *Cornelius Cossus*, a legionary Tribune, who stripped
 him of his Armour and royal Robes. And these spoils,
 called *opima spolia*, *Cornelius* afterwards carried on his
 shoulders in the Dictator's triumph, and then deposited
 them in the temple of *Jupiter Feretrius*. They were
 the second of the sort known in *Rome*. The first were
 borne by *Romulus*, who killed King *Acron* in single com-
 bat.

Y. of R. §. II. IN the following year (of the Consuls, *M. Cor-*
 317. *nelius* and *L. Papirius*) one *Sp. Mælius*, a Tribune of
 Bef. J. C. the People, and a relation of the famous Corn-mer-
 438. chant, cited *Minucius* and *Servilius Abala* to answer for
 72d Con- what they had done against his kinsman; *Minucius* for
 sulship. having brought a false accusation against him, and *Ser-*
 Liv. B. 4. c. 21. *vilius* for having put to death a *Roman* Citizen, before
 condemnation.

Livy

Livy intimates that these prosecutions were fruitless, *Y. of R.* and that the Tribune only brought himself into contempt by them: But others relate, that *Servilius* was condemned to banishment, from which *Cicero* pretends, that he was afterwards recalled. As for *Minucius*, we do not find that he suffered any thing from the resentment of the prosecutor.

§. III. THE chief concern of the *Romans*, at this time, was to preserve themselves from the plague, with which they were grievously afflicted. And it raged with greater fury, in the following Consulship of * *Ju- lius Iulus* and *L. Virginus*. While *Rome* was in this distress, the *Veientes* and *P. denates* came and encamped almost close to the city, on the side of the gate *Collina*. The Senate, being terrify'd at so near an approach of the enemy, thought it necessary to nominate a Dictator; and the Consuls pitched upon *Quintus Servilius Priscus*, who commanded all those, whose health would permit them, to march out of the city. Upon this the enemy immediately retired: But *Servilius* came up with them near *Nomentum*, routed them, and afterwards took the city of *Fidenæ* by sap. However, this being looked upon as a civil war, because *Fidenæ* was a *Roman* Colony, the General was not granted a triumph, though he probably assumed then the name of *Fidenas*. This success was followed by a Census of the *Roman* People, which, after the establishment of the Censors, never failed to be renewed every five years.

It is not agreed, whether *Rome* in the beginning of the year 319 was governed by the former Consuls, * *Ju- lius Iulus* and *L. Virginus*, or by new ones, *M. Manlius* and *Q. Sulpicius*, or by three Military Tribunes. But be that as it will, it is certain that these Tribunes or Consuls were so little concerned in the events of the year, that they were soon forgotten. A rumour being spread abroad, that all the nations of *Hetruria* were to take arms in favour of the *Veientes*, *Mamercus Æmilius*, a man illustrious both in peace and war, was raised a second time to the Dictatorship, a dignity in which he had before acquired great glory against the same ene-

Y. of R. mies. But the news of this dreadful league proving
 319. false, and *Æmilius* finding himself deceived in his hopes
 Bet. J. C. of signalizing his second Dictatorship by a new victory,
 433. resolved however to leave some monument of his zeal
 74th Con- fulship. for the public liberty. He observed to the People in a
 Livy, B. 4. general Assembly, that their Ancestors, in order to pre-
 c. 24. serve their freedom, had established in the Republic no
 Officer whose authority was to last above a year: but
 that this wise precaution had not been remembered in
 the late creation of Censors, who were allowed a five
 years Magistracy; that it was a grievous thing to be
 subject five years (a great portion of a man's life) to
 the censure of the same persons: And that a Law
 therefore ought to be made for shortening the duration
 of that office to eighteen months.

This discourse was received with great applause, es-
 pecially by the People, and the next day the Law, with
 their approbation, was passed and published in form.
 Then *Æmilius*, "To convince you, *Romans*, that I
 "am in earnest, when I express so great a dislike to
 "Magistracies of long continuance, I now resign my
 "own." The multitude with acclamations of joy, and
 with expressions of the greatest esteem and affection,
 conducted him back to his house. But *C. Furius* and
M. Geganius, the present Censors, shewed a most extra-
 vagant resentment of the injury which they pretended
 was done them, by this abridging of the duration of the
 Censorship. *Æmilius* had no sooner abdicated his au-
 thority, but in virtue of the power belonging to their
 office, they struck his name out of the roll of his Tribe,
 took from him, as from a scandalous wretch, the privi-
 lege of voting, and loaded him with a tribute eight
 times greater than he used to pay. But this persecu-
 tion, instead of dishonouring him, gave him a new
 lustre; all the shame fell upon the persecutors. The
 Senators themselves, notwithstanding they disliked the
 new law, were yet more displeased with the severe and
 arbitrary conduct of the Censors; making this natural
 reflection, that tho' they might themselves be for a time
 possessed of the same power, they should probably be
 much

much longer subject to it. And, as for the People, full of indignation, they would have torn *Furius* and *Geganius* to pieces; if *Æmilius* had not been so generous as to save them.

§. IV. THE Tribunes of the Commons, by renewing their ordinary harangues against the electing of Consuls, prevailed to have Military Tribunes chosen for the next year; nevertheless in spite of all their interest and intrigues, the People still prepossessed in favour of the Nobility, as to their capacity for government, and the command of armies, gave their voices again to three *Patricians*, *M. Fabius*, *M. Postumius*, and *L. Sergius*. Nothing remarkable happened in their year except a plague, which ceased in the following year of *L. Pinarius*, *L. Furius*, and *Sp. Posthumius*. And then ambition raised some fresh disturbances at Rome. The wealthy *Plebeians* complained of the inferior sort, as not well enough affected to their interests, having never chosen any but *Patricians* to be Military Tribunes, notwithstanding the law, which allowed them to chuse three *Plebeians* to that dignity. They met at the houses of the Tribunes of the Commons, to consult upon this matter; and there they came to this conclusion, that the neglect which had been shewn them was owing to the various arts used by the Nobles to gain the People's favour in elections, and it was resolved, to propose a law, forbidding any pretenders to the superior offices to go about, as had been the custom, in garments of an extraordinary whiteness, (whence they were called Candidates) to solicit the People's votes: A matter which, as *Livy* tells us, would in his days have been thought of small moment, and scarce worthy of a serious debate, but which at this time raised a very warm contention between the two parties. The Tribunes prevailed, the law was passed, and the present animosity of the People against the *Patricians* gave reason to believe that the former would no longer refuse their voices to the chief *Plebeians* for the Military Tribuneship. The Senate to avert this danger turned their thoughts to get Consuls chosen for the next year.

Y. of R. The formidable preparations which the *Æqui* and *Volsci*
 321. made for war at this time favoured the design. As
 Bef. J. C. there were no *Plebeians* who had ever commanded
 431. armies, and none but old Captains and the chief men
 4th Mil. of the Senate were fit for that employment, the People
 Trib. were indifferent, whether Consuls or Military Tribunes
 Livy, B. 4. were chosen this year. Thus the Senate being left
 c. 26. masters of the election, the Consulship was restored,
 Y. of R. and *T. Quinctius*, the son of *Lucius*, and *C. Julius Mento*
 322. attained that dignity. A better choice could not have
 Bef. J. C. been made, with respect either to birth or capacity in
 430. the art of war: But jealousy and division arising between
 75th Con- them, it is said * they were beaten near the *Algidus*.
 sulship. The Senate, to prevent the Consequences of their defeat,
 resolved to have recourse to a Dictator. But the
 two Consuls, on whom the nomination of him depended,
 though they differed in all other respects, united to cross
 the Senators in this particular. They were probably
 offended at the diffidence shewn of their abilities;
 but whatever was the cause of their noncompliance with
 the Senate's desire, they continued obstinate in their determination,
 'till expressses upon expressses bringing accounts
 of the mischievous progress of the enemy's arms, *Q. Servilius Priscus*,
 a Consular person, turning to the Tribunes of the People
 who were then in the Senate-house, exhorted them to
 interpose their authority, and oblige the Consuls to name
 a Dictator. Those *Plebeian* Magistrates joyfully laid hold
 of so fair an occasion to extend their power, and having
 withdrawn a while to consult, returned with this declaration,
 " That it was the pleasure of the Tribunes, that the
 Consuls should obey the Senate, or be led to prison, if they
 persisted in their disobedience." Hereupon the two
 Magistrates submitted, upbraiding the Senators however,
 that it was by them the Consular authority was betray'd
 and subjected to the yoke of the Tribunitian power. The

Conscript

* *Livy* speaks doubtfully, and seems here to be much in the dark. He gives no account of what became of the Consuls' army after the defeat; nor how the Generals came to be so suddenly in the Senate house after it.

Conscrip Fathers indeed seem to have been so much Y. of R. exasperated against the two Magistrates, and so intent upon vanquishing their obstinacy, as not to be duly sensible of the breach they made in their own authority. After some dispute between the Consuls about the person who should be Dictator, they drew lots for the privilege of nominating. It fell to *T. Quintilius*; and he named his father-in-law *Posthumius Tubertus*, who appointed *L. Julius Iulus* to be his General of the Horse.

Posthumius was an old Captain, of great valour and experience, but naturally harsh and severe. The knowledge of his temper and the power of life and death, which the Dictatorship gave him, made all who were summoned run obediently to range themselves under his ensigns. Leaving the defence of the city to the Consul *C. Julius*, and giving to the other Consul, *T. Quintilius*, the command of one half of the Army, he marched away, and soon came up with the enemy. Observing that they were lodged in two separate camps, he posted his troops likewise in two camps, about a mile from theirs. Daily skirmishes ensued, in which the *Romans* had generally the advantage. This took from the enemy the hope of conquering in the plain field. They attacked therefore the Consul's camp in the night. But neither did they succeed in this enterprise. By the able conduct of the Dictator and his Generals, the *Romans*, after a bloody conflict, proved victorious. *Posthumius* led back his army to *Rome*, and when he had been honoured with a TRIUMPH, laid down the Dictatorship.

§. V. THE next year, in which *C. Papirius* and *L. Julius* were Consuls, the *Æqui* being humbled by former losses, desired to enter into alliance with the Republic, on the same foot with the *Latines* and *Hernici*. But their Envoys perceiving that the *Romans* were not inclined to an union, upon any other terms, than a submission at discretion, they proposed only a truce, which was granted for eight years. The *Volsci* at this time quarrel'd among themselves, and from disputes

Y. of R. and reproaches came to seditions and battles. By this
 323. means *Rome* was left in perfect tranquillity, and nothing
 Ber. J. C. remarkable was done there during the present Consul-
 429. ship, but the settling, by a law, the value of the oxen
 76th Con- and sheep, paid by way of fines for disobedience to
 sulship. Magistrates; and the fines were ordered to be paid in
 money for the future, each ox valued at 100 Asses of
 brass, and each sheep at 10. The Tribunes were the
 first projectors of this new regulation; but the Consuls,
 having notice of the design, proposed the law them-
 selves; by which they gained the favour of the People.

Y. of R. L. *Sergius* and *Hostus Lucretius* passed their Consul-
 324. ship in greater inaction than their Predecessors. The
 Republic enjoy'd a profound peace. But the next

Y. of R. year, when T. *Quintius* (a second time) and *Cornelius*
 325. *Cossus* were raised to the Consulate, a calamity more
 grievous than war fell upon *Rome*, and almost upon all
Italy. An extreme drought occasioned a famine, which
 was followed by a dreadful Plague, that spared neither
 man nor beast. And not only the bodies of the *Ro-*
mans were distempered, says *Livy*, but their minds too
 were infected with various superstitions; and these
 chiefly of foreign growth. Rites and Ceremonies and
 expiatory Sacrifices, never before practised at *Rome*,
 were introduced by crafty knaves, who, pretending to
 prophecy, imposed on the credulity of the People.
 The chief Magistrates, well apprized of the danger of
 innovations in religion, ordered the *Ædiles* to put a
 stop to this disorder, and to see, that no other Gods
 were worshipped but the *Roman*, nor these worshipped
 in any other manner than that which was *estab.ished by*
Law.

§. VI. THE *Veientes* after their defeat near *No-*
mentum, in the year 318, had obtained a truce for 8
 years, but before this time was expired, they had ra-
 vaged the lands of the Republic. The Senate there-

Y. of R. fore in the Consulship of L. * *Papirius* and *Servilius A-*
 326. *bala* thought it proper to revenge this injury. The
 Ber. J. C. only question was in what manner war should be de-
 426. clared against them. The Senate pretended that their
 79th Con-
 sulship.
 * 2d time. Decree

Decree would be sufficient: On the other hand the Y. of R. People urged that to determine affairs of peace and war ^{326.} was their peculiar province. This was not disputed, ^{Bef. J. C.} but the Senators alledged that the question at present ^{426.} was not about a new war, but about a war already ^{79th Con-} begun, and only suspended by a truce. The Tribunes carried their point by threatening to hinder the levies, if the Consuls did not apply themselves to the People to obtain a declaration of war against the *Veientes*. These disputes produced these two effects, they delay'd the vengeance of the *Romans*, and made the People insist upon having the government of the Republic placed the next year in the hands of Military Tribunes, and not of Consuls.

Four *Patricians* were chosen, *T. Quinctius Cincinnatus*, Y. of R. *C. Furius*, *M. Posthumius*, and *A. Cornelius Cossus*, and ^{327.} they took their employments by lot. *Cossus* stay'd at ^{Bef. J. C.} *Rome*, the other three marched against the *Veientes*. ^{425.} But these Generals not acting in concert, when they ^{Mil.} came to an engagement with the enemy, the *Roman* ^{Lib. B. 4.} army was routed. However, it happened very for- ^{C. 31, 32.} tunately, that the nearness of the camp saved the troops from slaughter, and their disgrace was greater than their loss. But as it had not been usual for them to suffer any disgrace, the whole city was in consternation at the news of this shameful action. The People demanded to have the Generals deposed, and at the same time to have a Dictator named. A difficulty arose in relation to this last demand. It had been the prerogative of the Consuls to nominate a Dictator, and there were no Consuls now in being. The *Augurs* being consulted thereupon, declared that *Cossus*, who had had no share in the late disaster, might lawfully name a Dictator. Accordingly he named *Mamercus Æmilius*, that great man, who had been in the same post twice before, and whom the Censors had degraded, and sunk to a level with the lowest of the People. *Æmilius* appointed *Cossus* to be his general of the Horse.

In the mean time the inhabitants of *Fidene* massacred the *Roman* colony there, and revolted a seventh

Y. of R. time to the *Veientes*, who passed the *Tiber*, and encamp-
 327. ed near the city. The Dictator with his Infantry at-
 Bel. J. C. tacked them furiously; but his left wing was a while
 425. amazed and terrified by the enemy's new manner of
 5 Mil. fighting. The *Fidenates* opened one of the gates of
 Trib. their city, and sent out some soldiers with lighted
 Livy, B. 4. torches in their hands, and dressed in habits like those
 c. 33. usually given the *furies*. These ran like mad enthu-
 Florus, B. siasts thro' the *Roman* battalions, and threatened them
 1. c. 12. with fire and sword at the same time. But the Dictator
 upbraided his men with cowardice, "What, said he,
 "are you as much afraid of smoke as a swarm of bees?
 "Make use of your swords to wrest these torches out
 "of the enemy's hands, and then go and set fire to
 "their city with them." The *Romans* recovered their
 courage, and *Cossus* with his cavalry falling upon the
 enemy at the same time, the latter were entirely de-
 feated: Both *Fidene* and the camp of the *Veientes* were
 taken and plundered, and the prisoners were partly di-
 stributed by lot to the *Roman* Officers, and the rest sold
 for the benefit of the public. This glorious expedition
 Livy, B. 4. being finished in sixteen days, *Æmilius* led back his
 c. 34. troops to *Rome*, had the honours of a triumph, and
 then laid down his Dictatorship, leaving it a question,
 whether his bravery or his moderation were the
 greater.

C H A P. XXXIV.

§. I. Military Tribunes are chosen to the government the
 two following years; but the choice falls only on Pa-
 tricians. The Tribunes of the Commons use their ut-
 most endeavours to dissuade the People from this prefe-
 rence of the Nobles to them, in the elections. The Senate
 to counterplot them, before the new elections come on,
 contrive to send away the principal of the Plebeians
 into the field against the *Volsci*. In their absence Ap-
 pius Claudius (son of the Decemvir) one of the Mili-
 tary Tribunes, holds an assembly for electing Consuls,
 and C. Sempronius and Q. Fabius are chosen. §. II.
 Sempronius

Sempronius brings the whole Roman army into danger of being cut to pieces by the Volsci. An Officer of horse, named Tempanius, by his bravery and prudence, prevents the defeat of the Romans. He arrives at Rome before the Consul, and gives testimony in favour of his conduct. §. III. The People condemn Posthumius (one of those Military Tribunes, who by their disunion had lost a battle in the year 327,) in a fine. Tempanius is made one of the Tribunes of the Commons. His General Sempronius being prosecuted by the People for his misconduct, he takes his part, and engages the Tribune Hortensius, the accuser, to drop the prosecution.

§. I. **T**HE two following years were spent in making truces with the *Veientes* and *Æqui*, and in other negotiations, and in celebrating the great games of the Circus. The Government was in each of these years committed to four Military Tribunes. The Tribunes of the Commons prevailed so far, but they had still the mortification to see *Patricians* only elected.

It is impossible to express the rage and indignation of these *Plebeian* Magistrates. They reproached the People with ingratitude. They told them plainly that great recompences were necessary to encourage men to great actions, and that for their parts they would throw up all care of the *Plebeian* interest, if their zeal and labours were never to be rewarded with honours. That it was much better to repeal the law which qualified *Plebeians* for the Tribuneship, than to see it thus rendered fruitless in all the elections by the cabals of the *Patricians*; and that it would be less shame to the Commons to be wholly excluded from the privilege of standing candidates, than to be always rejected as incapable or unworthy.

A. SEMPRONIUS,
L. FURIUS,
L. QUINCTIUS,
L. HORATIUS. } Y. of R.
328.

A. CLAUDIUS,
SP. NAUTIUS,
L. SERGIUS,
SEX. JULIUS. } Y. of R.
329.

These

Y. of R. These discourses, often repeated, made an impressi-
 329. on upon the multitude; and at the same time the
 Bef. J. C. richest and most eminent men of the *Plebeians* gave
 423. out, that if they could once be chosen to the Govern-
 Livy, B. 4. ment, they would not fail to get the public lands di-
 c. 36. vided among the citizens, procure the establishment
 of new colonies, and cause a tax to be laid upon the
 landed men to provide pay for the soldiers in time of
 war: In a word, they forgot nothing that might en-
 gage the People to raise them to the dignity of Military
 Tribunes.

The *Patrician* Magistrates who were then in possessi-
 on of that dignity, to avoid the shame of having *Ple-*
beians for their successors, privately agreed with the
 Senate to lead out of *Rome* (under pretence of making
 an incursion upon the lands of the *Volsci*, who, they
 gave out, were preparing with all diligence for war,)
 the chief of the People, and especially those who as-
 pired to the Military Tribuneship; and during the ab-
 sence of the army to proceed to an election of Consuls.
 Three of the Military Tribunes took the field, leaving
Appius (the Decemvir's son) their Colleague, to guard
 the city, and preside at the intended election. *Appius*
 was a young man bold and enterprising, and had been
 educated from his very cradle in an hereditary aversion
 to the People's power. No sooner were the *Tribunes*,
 with great numbers of the *Plebeians* gone into the field,
 but laying hold of the opportunity, he, pursuant to a
 decree of the Senate, held the *Comitia* for electing
 Consuls. *C. Sempronius Atratinus*, and *C. Fabius Vib-*
 330. *lanus* were chosen: And the People and their Tribunes
 Bef. J. C. at their return found the election too strongly settled to
 422. think of reversing it. They afterwards shewed their
 80th Con- resentment, by prosecuting one of the Consuls as a
 sulship. criminal, on account of the ill success he had in the
 c. 37. war against the *Volsci*.

§. II. THIS warlike People, who had long fought
 with the *Romans* for empire and dominion, did this
 year make, as it were, a last effort to avoid receiving
 the yoke of their old enemies. They raised a great
 number

number of troops, made choice of an able Captain, and admitted none of those wise precautions, which may be looked upon as the surest presages of good success. ^{330.} *Y. of R.* ^{422.} *Def. Y. C.* ^{South Coast} *Some* sent against him her first Consul *Sempronius*, a man full of courage, familiar with his soldiers, and therefore greatly beloved by them, but who was himself more a soldier than a Captain, and seemed to think that valour alone was sufficient to supply all the duties of a general. The two armies soon came in view of each other. *Sempronius* despised enemies whom the *Romans* had so often vanquished; and, as if he had been sure of winning the victory with only his infantry, left his horse in a place where he could receive no manner of assistance from them. The fight began with equal fury on both sides. The *Romans* advanced daringly, and charged the enemy with their usual valour. But as they fought with more hurry than order, and as the *Volsi*, drawn together in firm and close battalions, defended themselves with great courage, victory began to declare for the side where was most discipline. The *Volsi*, led by an experienced General, press'd on briskly and broke the legions. The *Romans*, instead of attacking, thought now only how to avoid the attack of the enemy. They gave back, and left ground apace. The Consul perceiving it, hastened to the place where there was most danger. He fought with his own hand, and tried to animate his soldiers by his example and reproaches, but in vain. He called and he threatened; no body gave attention to his orders. At length all the legions fell into confusion, and the battle had been quite lost, but for the valour and prudence of *Sex. Tempanius*, an old Captain of horse.

c. 38.

Sempronius, who, as was said before, had flattered himself that he should be able to defeat the enemy with only his foot, had left his horse in a place hemm'd in with bogs, where it was impossible for them to fight. *Tempanius* observing the disorder the legions were put into, leaped to the ground, and addressing himself to his companions, "Follow my lance, said he, as if it were a standard; and let us shew the enemy, that as well on foot as on horseback, nothing can with-
" stand

Y. of R. "stand us." The whole body of horse dismounted
 330. after his example, and followed him, *Tempanius*, at
 Bef. J. C. the head of them, marched strait against the enemy
 422. 80th Con- and restored the fight. The legions at the sight of
 fulship. this succour resumed courage, and returned to the
Val. Max. charge with fresh fury. The General of the *Volsci*
 B. 3. c 2. could not conceive whence this new body of infantry
Livy, B. should come. But as he found himself press'd by them,
 4. c. 39. he sent orders to his troops to open their ranks, and
 give passage to the soldiers which *Tempanius* command-
 ed, and then to close again, in order to separate them
 from the *Roman* legions. The *Volsci* did as they were
 ordered. *Tempanius* and his men, carried on by the
 heat of their courage, and imagining they were follow-
 ing victory, and a routed enemy, rushed still forwards :
 but it was not long before they found themselves cut
 off from the *Roman* main body by some of the enemy's
 battalions that stood now in close array. *Tempanius*
 did his utmost to force his way thro' them, and rejoin
 the Consul ; but he could not break their order. In
 this extremity he spied an eminence, of which he pre-
 sently took possession.

A part of the *Volscian* troops immediately attacked
 him, believing it impossible for him to make a long re-
 sistance : but *TEMPANIUS* throwing his men into a
 ring, defended himself with invincible bravery ; and
 this diversion saved the *Roman* army. The Consul,
 however, at the head of the legions, strove in vain to
 join *Tempanius*. The *Volsci*, though they lost abundance
 of men in this last conflict, kept their ground every
 where ; nor could the *Romans* break one of their bat-
 talions. They fought till it was night, without either
 of the Generals being able to perceive on what side lay
 the advantage ; and nothing but want of light made
 the battle cease.

Both armies, believing themselves losers, equally
 feared to renew the fight the next morning ; nay, the
 terror in both was so great, that they hastily quitted
 their camps in the night, leaving many of their wounded,
 and a great part of their baggage behind them, and
 retired

retired to the mountains that were nearest to them. Y. of R.

Tempanius continued to be invested till after mid-^{330.} night; but then the assailants receiving notice that their Def. J. C. main army had abandoned their camp, fled likewise in ^{422.} a fright. The *Roman*, who doubted not but the *Volsci* 80th Con-
fulship. would attack him again when light returned, was very Livy, B. 4.
c. 39. much surprized when at day-break he saw neither friends nor enemies. He could not imagine what was become of two great armies, who, not many hours before, had stretched over the whole plain. He went down with a few of his companions, and took a view, first of the *Volscian* camp; not a man was to be seen in it, except those of the wounded who had not been able to follow the main body of the army. Then calling down all his soldiers from the hill, he entered the *Roman* camp, and there found the like solitude. Not knowing to what place the Consul was retired with his troops, and fearing the return of the *Volsci*, upon the first discovery of their error, he took up the wounded *Romans*, and c. 40. marched strait to *Rome*. Some runaways from the battle had got to the city before him; and, because they had seen him and his followers cut off from the main army and surrounded by the enemy, they had given out, that the whole body of cavalry was cut to pieces. The return therefore of these brave men occasioned an excessive surprize and joy.

It happened that the People were actually assembled when *Tempanius* arrived at *Rome*. The Tribunes of the Commons thought this to be a favourable opportunity of humbling a Consul. They obliged *Tempanius* to appear in the Assembly before he set foot in his own house; and *Cn. Julius*, one of those *Plebeian* Magistrates, asked him aloud, whether he thought *Sempronius* had chosen a proper time to come to an engagement with the enemy, had supported his line of battle with reinforcements, or in any respect acted the part of a good General? He added, "You are to answer these Questions upon your honour, as you are a man of veracity and bravery. Finally, tell us, what is become of *Sempronius* and our Legions; whether they
" abandoned

Y. of R. " abandoned you, or you deserted them; and whether
 330. " we are vanquished or victorious?" *Tempanius*, in

Bel. J. C. from seeking to make his own advantage of *Sempronius*.

422. disgrace, answered, That it did not become a private
 80th Con- fullship. Officer to pretend to judge of the capacity of his Ge-

Livy, B. 4. neral; that the People had given their opinion of

C. 41. when they chose him Consul: that he had seen him
 fight at the head of the legions with invincible bravery
 and expose his own person in all the places where there
 was most danger: that the great distance between them
 after their separation, and the confusion which always
 happens in so obstinate a fight, had kept him from
 knowing every thing that passed where the Consul was
 engaged; but that he could however assure them,
 what had appeared to him upon a view of the field of
 battle, that the *Volsi* had not lost fewer men than the
Romans. He added, That as upon his separation from
 the main body of the legions, he had been so fortunate
 as to get possession of an eminence, on which, notwithstanding
 all the assaults of the enemy, he had preserved those
 that were trusted to his command; so he presumed the
 Consul, in that general disorder, to have gained the
 mountains, and there intrenched himself. *Tempanius*
 then desired leave to retire, in order to get the wounds
 dressed which he had received in the fight. The whole
 Assembly gave yet greater praises to the discretion and
 modesty of his answer, than to the valour and good
 conduct with which he had fought against the enemies of
 his country.

§. III. HOWEVER the People were so much of
 humour with their Generals, that they hastened to the
 condemnation of *Posthumius*, one of the three Military
 Tribunes, who by their disunion had lost a battle in
 the year 327. The Tribunes of the Commons had at the
 beginning of the present year cited both him and his
 Collegue *T. Quintius* (the third was dead) to answer
 for their misconduct; but the prosecution had been
 suspended by the apprehension of a war with the *Vol-*
scians. *Posthumius* was now condemned to pay a fine

fine^a; but *Quintus* was universally acquitted by the Y. of A. Tribes, on account of his own signal services, (when Con- 331. sul under the Dictator *Posthumius*, as well as those of his Bel. J. C. father *Cincinnatus*, and his uncle *Capitolinus*; which 421. s Mil. latter interceded for him. Trib. *

As for *Tempanius*, the People, in reward of his services, chose him some time after to the Tribuneship, together with three other Officers, who like him had Liv. B. 4. distinguished themselves in the war. In this post he c. 42. gave new proofs of the generosity of his soul. For *L. Hortensius*, one of the Tribunes, having cited *Sempronius*, after the year of his Consulate was expired, to answer before the Assembly of the People for his conduct in the last battle, *Tempanius*, and his three Collegues above-mentioned, generously made themselves his advocates, and intreated *Hortensius* not to persecute a brave General, who had been only unfortunate on that occasion. *Hortensius*, believing that these Tribunes, though they affected to act the part of intercessors, had resolved to interpose their authority in favour of the accused, turning to *Sempronius*, asked him, "What was become of his *Patrician* spirit, and of that courage which a consciousness of innocence would give him, that he, a Consular, should shelter himself under the shadow of the Tribunes?" Then turning to his Collegues, "But if I persist in my prosecution of this man, What is the part you will act? Will you rob the PEOPLE of their Judicature, and overturn the power of the Tribunes?" *Tempanius* and his Collegues replied, That the ROMAN PEOPLE had indisputably a supreme authority over *Sempronius* and all the members of the Republic; and that, as for themselves, they had neither the inclination, nor the power to deprive the PEOPLE of their Right of Judging the accused: but that, if the *intreaties* they made in behalf of their General, who had been to *them* a father,

* L. MANLIUS VULSO, | | L. PAPIRIUS MUGILLANUS,
Q. ANTONIUS MERENDA, | | L. SERVILIUS STRUCTUS.

^a Ten thousand Asles. Decem millibus æris gravis damnatur.
Æt. 59. 10d. *Arbutus*.

could

Y. of R. could not prevail, they would *change their habit* as he had done. ^{331.} “Nay (*cried Hortensius*) but that shall never be; the Commons of *Rome* shall not see their ^{421.} Tribunes in mourning. I have done. I have no-
 80th Con-
 fullship. “thing farther to say against a man who by his behaviour in command could make himself so dear to
 “his soldiers.” And thus he dropt the impeachment.

C H A P. XXXV.

§. I. *New dissensions arise in the Republic, on occasion of a proposal to add two Quæstors to the two already established. The Tribunes resolve not to suffer an election of Consuls, unless it be made a rule, that, of the four Quæstors, two be always Plebeian. The two parties come at length to this compromise, that Military Tribunes shall be elected to the government, and that the People shall be free to chuse Patricians or Plebeians to the Quæstorship. The People chuse not only the Military Tribunes but the Quæstors too out of the Patricians only.* §. II. *The Tribunes revive the old quarrel about the distribution of the conquered lands. Appius's advice to the Senate, to raise a division among those Magistrates, is followed with success.* §. III. *The affair of the AGRARIAN LAW is revived. Posthumius, one of the Military Tribunes and General of the army, by his breach of word, and by some imprudent menaces, so provokes his soldiers that they mutiny. Attempting to punish the mutineers he is slain by them. The Senate, fearing lest the People, in order to screen the murderers, should chuse Plebeian Military Tribunes for the next year (340) use all their endeavours to get the Consulship restored; and they prevail. The fasces, after being seven years in the hands of Military Tribunes, are transferred to two Consuls, A. Cornelius Cossus and L. Furius Medullinus, who shew great moderation and prudence in the prosecution of the criminals.* §. IV. *In the year 344, the People chuse three of the four Quæstors out of the Plebeians. And the Senate is forced to consent to an election of Military Tribunes for the next year.*

year. *Three Patricians are chosen. These being ordered by the Senate to name a Dictator, on occasion of a war with the Volsci, two of them refuse. The Senate hereupon have recourse, as formerly, to the Tribunes; but these return a disdainful answer, and will not meddle in the dispute. Servilius Ahala, the third Military Tribune, names P. Cornelius Dictator, who quickly puts an end to the war. Servilius's two Collegues in anger against the Senate propose Military Tribunes at the next election: however Patricians are chosen, and so likewise the next year. The Tribunes of the Commons, provoked to the utmost, revenge themselves by opposing the levies for a war with the Veientes, who had insulted the Roman Ambassadors; and they make the old affair of the Agrarian Law their pretence. The Senate get the better of this opposition, by decreeing that the infantry shall hereafter have PAY out of the public treasury during the service. The People joyfully confirm this Decree, and readily offer themselves to be enlisted.*

§. I. **T**HE affection which four Tribunes of the Com-^{Y. of R.}
mons had shewed to a *Patrician*, and the ^{332.}
compliance of *Hortensius* with their desires in his favour, ^{Bef. J. C.}
seemed to promise a better understanding and more ^{420.}
union between the Senate and People than there had ^{81st Con-}
been of late: but the very next year, in the Consulate ^{fulship.}
of *T. Quinctius Capitolinus* and *Fabius Vibulannus*, new ^{Livy, B. 4.}
dissensions arose with relation to the Quæstorship. ^{C. 43.}
[The institution of this office is ascribed by *Plutarch* to *Poplicola*, who (according to the same Author) left the choice of the Quæstors to the People. Their business was to collect the taxes, defray the expences of war, and keep exact accounts of their receipts and disbursements of the public money, of which they were the treasurers, and for which they were accountable. And lastly, the *Roman eagles* were deposited with them, and they delivered them out, at the Consuls command, when the *Romans* marched into the field.]

To this time, only two of these Officers had been annually chosen, who never stirred from *Rome*. The

Vol. II.

R

Consuls

Y. of R. Consuls proposed that two others should now be added,
 332. to attend the Generals in the field, take account of the
 Bef. J. C. spoils won from the enemy, sell the booty, and above
 420. all, provide for the subsistence of the army. The Se-
 81st Con- nate warmly seconded this Proposal, till the *Tribunes*
 fulship. demanded, that some of the *Quæstors* should hence-
 forward be *Plebeians*. (Hitherto the *Quæstors* had
 been chosen out of the *Patricians* only.) Both Con-
 suls and Senate, at first, opposed this demand with all
 their might, afterwards they yielded thus far, That in
 the election of *Quæstors*, as in that of *Military Tri-*
bunes, the *Roman People*, if they thought fit, should
 chuse as many *Plebeians* as *Patricians*. But the *Tri-*
bunes demanding that two of the *Quæstors* should al-
 ways indispensibly be *Plebeians*, the Senate, rather than
 submit to this, dropt the design of increasing the number
 of those officers. The *Tribunes*, in revenge, renewed
 the proposal of the *division of the lands*; nor would
 they suffer the present Consuls to hold the *Comitia* for
 electing new ones, but insisted on having *Military*
Tribunes for the next year. The Senate were now
 more than ever concerned to hinder this, lest if *Ple-*
beians were chosen to the Government, the *Agrarian*
Law should take place. The obstinacy of the two
 parties in holding to their demands, threw the Repub-
 lic into a kind of anarchy: for the *Tribunes* sometimes
 even opposed the Senate's meeting to name an *Inter-*
rex; but they constantly hindered this Officer's holding
 any Assembly for the chusing of Consuls. At length
L. Papirius Mugillanus, being *Inter-rex*, by expostula-
 tions and soft persuasions, brought each of the parties
 to yield something of its pretensions, in order to a re-
 concilement. The Senate agreed to let *Military Tri-*
bunes be chosen instead of *Consuls*; and the *Tribunes*
 of the Commons consented that in the election of the
 four *Quæstors*, the People should give their votes as
 they pleased, either to *Patricians* or *Plebeians*; and thus
 the dispute ended.

The Assembly for the election of *Military Tribunes*
 was held first; and, notwithstanding all the credit and
 intrigues

intrigues of the Tribunes of the Commons, four *Patricians* were chosen, *L. Quinctius Cincinnatus*, *Sp. Furius Medullinus*, *M. Manlius*, and *A. Sempronius Atratinus*, (cousin to the Consul of the same name :) *Sempronius* presided in the election of *Quæstors* *. *Antistius* and *Pompilius*, two Tribunes of the Commons, asked the *Quæstorship*, the first for his son, the second for his brother; yet none but *Patricians* were promoted to that office: the People had not power to deny it to men whose fathers and ancestors had been honoured with the Consulship. The Tribunes of the Commons, enraged almost to madness at this preference, cried out, "What? Two Tribunes of the Commons, one recommending his son, the other his brother, and both disregarded! There must infallibly have been some deceit in gathering the votes, and *A. Sempronius* ought to be called to account for it." But as he was a man of known probity, and his innocence and the dignity with which he was then invested, set him above their reach, they turned all their fury against *C. Sempronius*, his relation, before spoken of, and revived the prosecution against him (for his ill conduct in the last battle,) which *Hortensius*, at the request of *Tempanius*, had dropped. He was again cited to appear at the end of twenty-seven days. During this interval, *Sempronius* constantly attended the Senate, and being resolved not to lose his character there, by a timorous behaviour, zealously opposed the request of the Tribunes, concerning the partition of the lands; and he behaved himself with the same steadiness on his trial: but notwithstanding all the solicitations of the Senate in his favour, he was fined 15000 *Asses* [48 l. 8 s. 9 d.]

§. II. IN the following Military Tribuneship of *Agrippa Menenius*, *Sp. Nautius*, *P. Lucretius*, and *C. Ser-*

* By a letter from *Cicero* to *Curius* (Ep. 30. L. vii. ad Famil.) it appears that, in their time, the *Quæstors* were elected in *Comitia Tributa*. But I find no reason to believe, that, at this time, they were elected in those assemblies, nor so long as the People chose the *Quæstors* out of the *Patricians* only.

Y. of R. *vilius*, a plot was formed by the slaves, to set fire to the city, and seize the Capitol; but this secret was revealed by some of the conspirators, and the mischief prevented. Soon after, *Lavicum**, a city included in the *Latine* confederacy, gave the *Romans* some reasons to suspect her fidelity. And the next year (in which the Republic was governed by three Military Tribunes only, *M. Papirius*, *C. Servilius*, and *L. Sergius*) produced the entire revolt of the *Lavicani*, who joined the *Æqui*, pillaged the territory of *Tusculum*, and encamped with their new allies under the *Algidus*. It was ordered by the Senate that two of the Military Tribunes should take the field, and the third continue to govern the city. Upon this a contest arose between the three, no one of them being willing to stay at home. The Senate was offended at these disputes; and *Q. Servilius Fidenas*, formerly Dictator, put an end to them by his paternal authority, commanding his son *C. Servilius*, one of the three Governors, to stay in *Rome*. But the two Generals agreed no better in the field than they had done in the city; each was for fighting the enemy his own way; they despised each other, and the troops were divided into two parties. When the news of this discord came to *Rome*, *Q. Servilius* apprehended the consequences of it, and advised his son to raise more troops to be in readiness at all events; and the advice proved serviceable. For the two Generals having at length agreed to command the troops alternately each his day, *Sergius* soon after imprudently hazarded a battle, and by a stratagem of the enemy, who designedly gave ground to draw him into an ambush, was entirely defeated. He took refuge with his broken troops in *Tusculum*. Upon this news the Senate ordered a Dictator to be created; and the younger *Servilius* nominated his father, who (as some say) appointed his son General of the Horse. The father and son left *Rome* at the head of a new army (that which had fled to *Tusculum* being recalled) and encamped within two miles of the enemy. The Dictator being there informed that they were grown negligent and presumptuous,

he

he marched with haste to attack them, routed them, invested *Lavicum*, their place of retreat, and took it by assault. And all this being done in eight days, he returned to *Rome*, and immediately laid down his office.

The succeeding Military Tribunes, *P. Lucretius*, *L. Y. of R.*
Servilius, *Agrippa Menenius*, and *Sp. Veturius*, gained ^{336.}
 no other glory but that of preserving the Republic in ^{Bel. J. C.}
 the same tranquillity in which they found it. ^{416.}
12th Mil.

But the next year, (when *A. Sempronius*, *M. Papirius*, ^{Trib.}
Q. Fabius and *Sp. Nautius*, governed the Common-^{Y. of R.}
 wealth) *Sp. Mæcilius*, a fourth time Tribune of the Peo-^{337.}
 ple, and *Metilius*, now Tribune a third time, renewed ^{Bel. J. C.}
 the proposal of *an equal distribution of the lands*, con-^{415.}
 quered from the enemies of *Rome*. This tended to a ^{13th Mil.}
 confiscation of the estates, possessed by a great part of
 the Nobility. The city of *Rome* had been built upon
 ground, originally belonging to the city of *Alba*, and had
 scarce any territory, but what had been since won, sword
 in hand. Under pretence of buying or renting parcels
 of this acquisition, those of the *Patricians* whole ample
 share in the Government furnish'd them with opportu-
 nities, had possessed themselves of large tracts, to which
 they could not produce any just title. The Tribunes
 were for resuming these lands, and making a fair par-
 titition of them among all the Citizens, Nobles and Com-
 mons. To defeat this project the SENATORS had meet-
 ings public and private. The youngest of them, *Ap-
 pus Claudius*, (grandson of the Decemvir) is said to have
 spoken to this effect; That it had been a constant tra-
 dition in his family, that relief against the tyranny of
 the Tribunes was to be found no where but in their
 own College. That the best way to frustrate the designs
 of *Mæcilius* and *Metilius*, was to engage some one of
 their Collegues to oppose them: that it would be no dif-
 ficult matter for the Nobles by condescensions and care-
 sses to gain over those who were but newly come into Of-
 fice, made no figure, and were perhaps jealous of the au-
 thority assumed by the two leading Tribunes. And he
 exhorted the *Fathers* to try the experiment.

This advice they unanimously approved, and *Appius*

R 3

was

Y. of R. was highly praised for having thus shewn that he did not degenerate from the virtue of his ancestors. The chief
 337-
 Bef. J. C. men of the Senate immediately applied themselves to
 415-
 13th Mil. gain some of the Tribunes; and by intreaties and re-
 Trib. monstrances, they succeeded so well, that of the ten
 they won over six to oppose the promulgation of the
 law. *Mæcilius* and his Collegue reproached them as
 traitors, enemies to the People, and slaves to the Senate:
 But it was all in vain, they were forced to desist from
 their enterprize.

Y. of R. The Senate, by means of a good intelligence with
 338-
 Bef. J. C. the majority of the Tribunes, remained the directors
 414-
 14th Mil. of affairs the following year also. *L. Sextius*, one of
 Trib. the College, to make his court to the People, having
 Livy, B. 4- proposed to send a colony to *Volsæ*, a little town which
 c. 49- they had lately taken from the *Æqui*, the other Tribunes
 opposed it, and declared, that during their Tribuneship,
 they would never suffer any new law to be offered,
 which had not been first approved by the Senate.
 But this influence of the *Conscript Fathers* in the Tribu-
 nian College did not last long; the affair of the *Agra-*
rian Law was revived the next year.

Y. of R. §. III. THE *Æqui* having retaken *Volsæ*, *P. Postbu-*
 339-
 Bef. J. C. *mius Regillensis*, one of the Military Tribunes, a good
 413-
 15th Mil. soldier, but an imperious, obstinate, wrong-headed
 Trib. man, was sent with an army to recover it. After some
 skirmishes with the enemy in the field, he invested that
 place. Before he led his troops to the assault, he prom-
 ised them for their encouragement, that if they took
 the town, they should have the plunder. The place
 was won, but the General, who naturally hated the
Plebeians, of whom the greatest part of his army con-
 sisted, broke his word, and sold all for the Public trea-
 sury.

Sextius, one of the Tribunes of the Commons, soon
 after brought on anew the affair of the *conquered lands*.

CORNELIUS COSSUS,
 QUINCTIUS CINCINNATUS,
 VALERIUS VOLUSUS,
 FABIUS VIBULANUS.

Y. of R. } Q. FABIUS,
 338. } CN. CORNELIUS, } Y. of R.
 P. POSTHUMIUS, } 339-
 L. VALERIUS, }
Posthumius

Posthumius was hereupon sent for to *Rome* to assist his ^{Y. of R,} Colleagues in opposing the Tribunes enterprize. Being ^{339.} come, he in full Assembly of the People dropt an ex- ^{Bel. J. C.} pression, that seemed to speak him a fool or a madman. ^{413.} *Sextius* having proposed to the Assembly to pass a de- ^{15th Mil.} cree for dividing the city and territory of *Volæ* among the soldiers who had made the conquest, affirming that they had the best right to the benefit of it, *Posthumius* hastily cried out, *Wo be to my soldiers, if they stir.* So proud and unjust a saying, offended the Senators no less than the multitude: *Sextius*, bold and eloquent, took advantage of the general discontent, and directing his speech to the People: “Do you hear how *Posthumius* threatens his soldiers, as if they were so many slaves? “And yet this brute of a man you think more worthy “of the *Military Tribuneship*, than any of us, whose “whole study is to procure you lands, and houses, “and a comfortable retreat in your old age, and to “defend you upon all occasions against such proud and “cruel adversaries. Can you then have any reason to “wonder, that of late so few of your Tribunes shew “much zeal for your interests? What have we to ex- “pect from you? Honours? You bestow them upon “your enemies. *Posthumius*’s words have indeed shock’d “you, filled you with horror. But what then? If “you were just now to go to an election, you would “prefer this cruel threatner to your best friends, to “those who have nothing at heart but your welfare.”

This Discourse did not fail to inflame the People; ^{Livy, B. 4.} and when the threats of *Posthumius* were reported in the ^{50.} camp, they occasioned such a commotion and murmuring in the army, as came little short of downright sedition. *P. Sextius*, one of the Quæstors, having, in the ab- ^{Zonaras,} sence of his General, ordered a Licitor to seize a soldier ^{B. 7.} who was more mutinous than the rest, his fellow-soldiers rescued him, and one of them gave the Quæstor a severe blow with a stone. *Posthumius*, informed of this tumult, hastened to the camp, and exasperated the troops more than ever by the strictness of his enquiries, and the cruelty of his punishments. He commanded the most guilty

Y. of R. of the mutineers to be put to death *under the burdle*, a
 339. kind of execution which has been before mentioned.
 Bef. J. C. The manner of it was this. The criminal was laid at
 413. his length in a shallow water, under an hurdle, upon
 15th Mil. which they heaped stones, and so pressed him down till
 Trib. he was drowned. But in vain did the General now pass
 this sentence against the seditious: the rest of the sol-
 diers tore them out of the hands of the executioners,
 and set them at liberty. *Posthumius*, transported with rage,
 came down from his Tribunal, and, preceded by his
 Florus, Lictors, broke through the press, in order to lay hold
 B. 1. on the criminals. He found no respect remaining,
 among the soldiers, either for his orders or his person;
 they opposed force with force, and being urged to fury,
 stoned him to death. This was the first instance, from
 the foundation of *Rome*, of a *Roman* General slain by
 his troops.

Livy, Ibid. When the news of the tragical end of *Posthumius*
 came to the city, his Collegues, who resided there, zealous
 to revenge his death upon the rebellious soldiers, decreed,
 with the Senate's approbation, that informations should
 be taken concerning it: The Tribunes of the Commons
 interposed. This contest depended upon another. The
Conscript Fathers thought it of the utmost importance
 to avoid an election of Military Tribunes for the next
 year, lest the Commons, to screen the guilty soldiers,
 should chuse Governors out of the *Plebeians*. They would
 therefore have made a Decree, that Consuls should be
 chosen in the next *Comitia*. The passing of this Decree
 was opposed by the Tribunes of the Commons, and the
 contention lasted so long, that the Republic fell into an
Inter-regnum. In the end, the Senate carried their
 point. *Fabius Vibulanus*, being *Inter-rex*, assembled the
Comitia by Centuries, and they chose *M. Cornelius Cossus*
 and *L. Furius Medullinus* Consuls. These were good
 natured men, and for that reason, as it was thought
 proper not to be too rigorous in punishing the soldiers
 who had murdered their General, were unanimously
 appointed by the Senate and People to enquire into
 the crime. Necessary it was to make

make examples; but this was done with moderation; Y. of R. 340. and those few who died, fell by their own hands, and Bel. J. C. 412. not by the axes of the Lictors. The Consuls thought it more adviseable to suppose the army in general to be 82d Con- innocent, than to drive them into an open revolt by too ful- strict an examination.

It had been happy if the Senate and Consuls had, to so prudent a management, added the partition of the Territory of *Volse* among the People: They had indeed no plausible pretence not to do it, there being as yet no private occupiers of it to be disturbed in their possessions. And this would have been the most effectual way to silence the factious complaints of the Tribunes, and abate the ardour of the People for the division of the public lands conquered before. But the Commons now saw with indignation, that the secret design of the Senate and Nobility was to keep them always in poverty, as well for their own interest, as to make them more submissive and dependent. Before it be long we shall see them prosecute their pretensions with more fury than ever.

In the mean time the Consul *Furius* marched against the *Volsci*, who had pillaged the territory of the *Hernici*. At his approach the enemy disappeared; and he took from them *Ferentinum*, which he gave to the *Hernici*, with the lands about it, to compensate their losses.

§. VI. THE Tribunes made no opposition to the Y. of R. 341. election of Consuls for the next year; and *Q. Fabius* Bel. J. C. 411. and *C. Furius* were chosen. But *L. Icilius*, a Tribune, 83d Con- began to resume the affair of the conquered lands with ful- immoderate heat. A plague that raged in the city put ship. a stop to his career. This calamity was of course followed by a scarcity of provisions! For the citizens being Livy, B. 4. c. 52. also the husbandmen, the lands were left untill'd while the distemper prevailed; and the loss of one harvest was sufficient to reduce *Rome* to extreme want.

The famine was severely felt in the succeeding Y. of R. 342. Consulship of *M. Papirius* and *C. Nautius*; however care Bel. J. C. 410. was taken to get corn from *Hetruria* and *Sicily*; and 84th Con- *Rome* ful- ship.

Rome by extraordinary good fortune continued this year without commotions at home or abroad.

No sooner did the plague and famine cease, but the *Æqui* renewed their incursions upon the territories of the *Latines* and *Hernici*, faithful allies of Rome. M. *Æmilius* and C. *Valerius* were now Consuls. It fell to the latter to conduct the war; but when he would have levied troops, the Tribune *Manius* opposed it upon the old pretence of the *Agrarian Law*. In the mean time the *Æqui* insulted the *Romans*, and took from them the fort of * *Carventum*. This disgrace not only increased the hatred of the Nobles to *Manius*, but induced the other nine Tribunes to assist the Consul in making the levies and punishing those persons who refused to serve.

The *Romans* recovered the fort, and found in it a considerable booty which the enemy had laid up there; but *Valerius*, being dissatisfy'd with his men, on account of their backwardness to enlist themselves for the war, sold all, and put the money into the *Quæstor's* hands.

It was the custom in the triumphal procession for the soldiers to chant satyrical verses on the victor who enjoy'd that honour. In *Valerius's* Ovation they did something particular, and by way of revenge they divided themselves into two choirs, and while one made the air resound with songs against their General, the other sang verses in praise of *Manius*; and every time his name was repeated, the people in the streets clapped their hands and made acclamations, and even drowned the noisy musick of the soldiers.

This behaviour of the citizens alarmed the Senate, and obliged them to bestir themselves, to hinder an election of Military Tribunes for the next year, lest

Manius should be chosen for one. The *Fathers* prevailed; Consuls were elected; and the choice fell upon Cn. *Cornelius* and * *L. Furius*.

Under their administration three Tribunes of the name of *Icilius*, all three kinsmen, and of a family in which to hate the *Patricians* was hereditary, undertook to deprive them of the *Quæstorship*, which hitherto had never

never been out of their order, though *Plebeians* were Y. of R. qualified to stand for it. The *Scilii* talked much of glorious projects they had formed in favour of the Commons; but at the same time declared that they would not stir one step towards the execution of them, unless the *Plebeians* would assume so much courage at least as to raise some of their own body to the Quæstorship. The multitude, possessed with hopes of the mighty advantages they were to reap from the zeal of their present Tribunes, gave their votes in the election of Quæstors to *Q. Silius*, *P. Ælius*, and *P. Pupius*, all three *Plebeians*; and of the *Patricians* who put up for that dignity none but *Cæso Fabius Ambustus* could obtain it.

The Tribunes of the commons, elated with this victory over the Nobility, flattered themselves, that the Quæstorship would now open them a way to the Military Tribuneship, the Consulate, and the Triumph. They would not hear therefore of an election of Consuls for the next year; they opposed the publication of a Decree of the Senate for that purpose; they cried out, that it was high time for the *Plebeians* to have their share in the Government. The disputes on this head grew warm, when, luckily for the *Scilii*, news came that the *Æqui* and *Volscei* were again in motion. The Tribunes opposed the levies, which, in pursuance of a *Senatus-consultum*, the Consuls would have made. Two of the *Scilii* constantly attended upon these Magistrates, each watching his man, to hinder him from raising troops, or holding the Comitia for chusing new Consuls. The business of the third *Scilius* was to manage the Multitude, and let them loose, or restrain them, as he judged proper. Things were at this pass, when news was brought that the *Æqui* had retaken the fortress of *Carventum*. This gave the Tribunes a farther advantage, the want of an army being now more pressing. In short, the Senate were forced to consent to an election of Military Tribunes; but, to disappoint the *Scilii*, they annexed this proviso to their decree, *That none of the present TRIBUNES OF THE COMMONS should be chosen to the MILITARY TRIBUNESHIP, or continued in their Office the next year.* The

Y. of R. The levies now went on without opposition. The
 344- Consuls marched to recover *Carventum*, but they lost
 Bef. J. C. a great deal of time before it, and were forced to raise
 408. the siege at last. They took however *Verrugo* from the
 86th Con-fulship. *Volsci*.

Livy, B. 4. Though the Commons had carried their point, of ob-
 c. 56. taining *Comitia* for electing *Military Tribunes* (instead
 of *Consuls*) for the next year; yet the *Fathers* got the
 victory at the elections: three *Patricians* were chosen
 and no *Plebeian*. It is said that the Nobles made use of
 a stratagem (and were reproached with it at that time,
 by the *Ililii*) which was this: they engaged a great
 number of the meanest and most worthless of the *Ple-*
beians to stand candidates, mixing them with the wor-
 thy candidates of the same order. The People were so
 disgusted with the appearance of the former, that
 they would not give their voices to the latter, nor to any
 but *Patricians*.

Y. of R. C. *Julius Iulus*, P. *Corn. Cossus*, and C. *Servilius Abala*
 345- were declared *Military Tribunes*; but did not long
 Bef. J. C. continue in the supreme Command. The *Volsci* having
 407- set on foot a very formidable army, the Senate, ac-
 16 Mil. cording to custom, resolved to send a Dictator against
 Trib. them. As the absolute authority of that Magistrate in
 a manner swallowed up the power of all the inferior
 Officers, *Julius* and *Cornelius* opposed his nomination,
 alledging that they did not want courage and experience
 to command an army, and that it was unjust to de-
 prive them of a dignity which they had so lately ob-
 tained by all the votes of their fellow-citizens.

The Senate, exasperated at their refusal to name a
 Dictator, had recourse to the *Tribunes of the Commons*,
 as they had done before upon the like occasion. But
 the Tribunes of this year observed a different conduct
 from that of their predecessors. Overjoy'd to see this
 dissension between the *Military Tribunes* and the Se-
 nate, they answered, with a scornful raillery, " That
 " for their part they could give no help in the affair ;
 " that they were only *Plebeians*, not citizens, nor even
 " to be reckoned in the number of men; that if ever
 " the

“ the honours and dignities of the Republic were made Y. of R.
 “ common to them with the *Patricians*, they should ^{345.}
 “ then take care that no proud Magistrate disobeyed ^{Bef. J. C.}
 “ the decrees of the Senate; but that in the mean ^{407.}
 “ time the *Patricians* themselves, as they had thrown ^{16 Mil.} Trib.
 “ off all respect for Laws and Magistrates, might also,
 “ if they pleased, assume the power and functions of
 “ the *Tribunes*, and do their own business as they
 “ could.”

The contests drawing to no end, and the enemy still ^{c. 75.}
 advancing towards the frontier, *Servilius Abala*, the
 third Military Tribune, declared publicly, that the
 good of his country was more dear to him than the
 friendship of his Collegues; and that if they would not
 chuse a Dictator, he would take upon him to name
 one himself: and accordingly being supported by the
 whole Senate, he named to that highest Magistracy *P.*
Cornelius Rutilus, who afterwards appointed *Servilius* to
 be General of the Horse.

The war was of no long continuance; the *Volsi* were
 defeated near the city of *Antium*, their territory plun-
 dered, and a great number of prisoners taken. After
 this expedition the Dictator laid down his authority,
 and the Military Tribunes resumed theirs. *Julius* and
Cornelius Cossus, discontented with the Senate for hav-
 ing, by the creation of a Dictator, frustrated their hopes
 of acquiring glory, in this war, made no mention of
 electing Consuls for the ensuing year, but appointed an
 Assembly for chusing Military Tribunes. The *Con-*
script Fathers were much alarmed to see their interest
 thus betrayed by men of their own order: and there-
 fore, as they had, the last year, by setting up *unwor-* Y. of R.
thy candidates from among the *Plebeians*, given the ^{346.}
 People a dislike to all the *worthy*; so now they effected ^{Bef. J. C.}
 an exclusion of all *Plebeians* by setting up, for candi- ^{406.}
 dates, the most illustrious members of their own body, ^{17th Mil.} Trib.
 men whom they knew to be esteemed by the Com-^{* A 2d}
 mons. *C. Valerius*, * *C. Servilius*, *L. Furius*, and † *Fa-* time.
bius Vibulanus, all eminent *Patricians*, were chosen to † A 3d
 the Military Tribuneship. time.
 Livy, B. 4.

Thec. 58.

254
 Bef. J. C. 346. The truce with the *Veientes* being at this time ex-
 Bef. J. C. 406. pired, the *Romans* sent Heralds to them to renew their
 17th Mil. demand of satisfaction of damages formerly sustained
 Trib. These Heralds meeting on the road some Envoys going
 from *Veii* to *Rome*, consented, at their request, to pro-
 ceed no farther, till the latter had been heard by the
 Senate. The *Veientan* Ministers obtained of the *Con-*
script Fathers to desist from their demands, till some
 civil broils which were then at *Veii* should be quieted:
 a conduct which *Livy* remarks as an instance of great
 generosity in the *Roman* Senate, who, had they con-
 sulted nothing but their own interest, could not have
 had a more favourable occasion of falling upon a rival
 State.

The same year the *Volsci* retook *Verrugo* from the
Romans, and put the garrison to the sword, the Senate
 being dilatory in sending succours to it. However the
 Military Tribunes revenged this loss; they surprized
 the *Volscian* troops when scattered about the country to
 plunder, and cut them to pieces.

Y. of R. 347. The Senate kept their ascendant in the election of
 Bef. J. C. 405. Magistrates for the next year, and procured the Mili-
 18th Mil. tary Tribuneship for *C. Cornelius*, † *L. Valerius*, *Cn.*
 Trib. *Cornelius* and *Fabius Ambustus*, all *Patricians*, and of the
 best families in the Commonwealth.

‡ A 2d time. During their administration, the *Veientes* having in-
 sulted the ambassadors of the Republic, the Senate or-
 dered a declaration of war against *Veii* to be immediate-
 ly proposed to the People. The *Roman* youth, upon
 the first rumour of this design, began to murmur at it.
 “ The war with the *Volsci* is not yet ended; we have
 “ lately had two garrisons cut in pieces, and the places
 “ [though recovered] are not defended now, but with
 “ much danger. Not a year passes without a battle;
 “ and yet, as if we had not fighting enough, we must
 “ begin a new war against powerful neighbours that
 “ may engage all *Hetruria* in their cause.”

The Tribunes did not fail to encourage them in this
 opposition to the Government. “ In truth, *said they*,
 “ the chief war you have to sustain is that which the
 “ Senate

“ Senate has so long carried on against the Commons ^{Y, of R.}
 “ of *Rome*. They send you into the field only to be ^{347.}
 “ slaughtered, or else to keep you at a distance from ^{Bef. J. C.}
 “ the City, lest, if they allow’d you any repose, your ^{405.} 18th Mil.
 “ minds should run upon Liberty and Colonies, or the Trib.
 “ public Lands, or freedom in giving your votes in the
 “ Assemblies, and you should concert measures for pro-
 “ moting your own interests, with reference to these
 “ matters.”

Whenever the Tribunes met with any of the veteran
 soldiers, they took them by the hand, entered into fa-
 miliar discourse with them, enquired how many years
 they had served, and, making them shew their scars,
 asked them, whether they had room for any more
 wounds, or could spare any more blood for the service
 of the Commonwealth. By these and other arts of
 management, in which the Tribunes were indefatiga-
 ble, they made the Commons utterly averse from a war
 with the *Veientes*: so that the *Patricians*, perceiving,
 that their Bill, if now offered, would be rejected, de-
 ferred it to another time.

However it was agreed, that three of the Military *Livy, B.*
 Tribunes should lead an army against the *Volsci*. At 4. c. 59.
 the approach of it the enemy disappeared; and left
 their country open to be pillaged. The *Roman* Gene-
 rals hereupon divided their forces into three bodies, and
 made incursions into it on different sides. *Fabius* laid
 siege to *Anxur* (afterwards called *Terracina*) a wealthy
 city, and having taken it by assault, divided the spoil
 equally among the soldiers of all the three armies, tell-
 ing his own men, that the troops of his Colleagues, by
 hindering succours from coming to the relief of the
 place, had contributed to the taking of it as much as if
 they had been present in the action. This generosity
 (not usual of late) to the soldiers, paved the way for a
 reconciliation between the Nobles and Commons. And
 this was entirely accomplished by a Decree of the Se-
 nate, soon after passed, “ That for the future the *Ro-*
 “ *man* infantry should be maintained in the field at the
 “ public expence. Hitherto all the citizens had used
 to

Y. of R. to go to war at their own charges; and oftentimes
 347. when the campaign was too long, the lands, especially
 Bel. J. C. those of the poorer *Plebeians*, lay fallow. This occa-
 405. sioned borrowing, exorbitant usury, complaints and
 18 Mil. seditions. The Senate, to prevent these disorders, de-
 Trib. creed of themselves, and without being importuned by
 the People or their Tribunes, that for the future the
 soldiers should have *PAY* out of the public money; and
 that, to furnish this expence, a new tax should be
 raised, from which no Citizen whatsoever should be
 exempt.

c. 60.

Upon the first news of this *Senatus-consultum*, the
 People were transported with joy; they ran in crowds
 from all parts to the Senate-house, and, taking the Se-
 nators by the hand as they came out, said, that now
 indeed it appeared, they were justly called *Fathers*,
 and declared themselves ready to spill the last drop of
 their blood for their country, so tender and generous a
 mother to all her children.

In this universal gladness, the Tribunes of the Com-
 mons were remarkable for their gloomy and envious
 countenances. Union always hindered them from
 making a figure in the State. They gave out that the
 Senate bestowed largesses at a very cheap rate; that
 the People must be very blind if they did not perceive
 that this their pay would come out of their own
 pockets; nay, that it was not just to make those
 Citizens who had always served at their own charge,
 and had compleated the time of their service, contri-
 bute to the support of the new soldiers who succeeded
 them in the armies; and they proclaimed that they
 would protect all those who should refuse to pay the
 tax. These declarations made some impression upon
 the People; the Senators nevertheless went on with
 their undertaking, and began the contribution them-
 selves, paying their own contingents fairly, according
 to the real value of their estates; and their example
 was followed by the chief men among the *Pl-
 beians*.

As,

As, in those days, there was no silver money, carts loaded with weighty pieces of brass were every day seen going to the Treasury with the contributions of the rich: The poorer sort, pleased with this sight, and animated by the commendations given by the Nobles and the soldiers to those of the Commons who submitted to the impost, listened no longer to the declamations of their Tribunes, but ran every one eagerly to pay the Tribute according to his proportion.

C H A P. XXXVI.

§. I. *The Romans invest Veii. In the two first years of the siege (which lasted ten) there is little action. The third year, (350 of Rome) a loss which the besiegers sustain before the place, animates the Plebeians with a zeal to push on the siege with vigour. The Senate, for the first time, allow PAY TO THE HORSE. §. II. The year following, Sergius and Virginius (two of the Military Tribunes) who have the conduct of the siege, quarrel and divide the troops between them; which having mischievous consequences, they are both recalled. All the Military Tribunes of this year are obliged to abdicate, and new ones are chosen. Sergius and Virginius (the Generals of the last year) are both fined for misconduct. §. III. The Tribunes renew the domestic broils: But all is quieted by the chusing of some Plebeians into the Military Tribuneship. At the next elections the Comitia chuse five Plebeians to that dignity, and only one Patrician. There happens a great mortality among men and cattle. To avert this evil the ceremony of the Læsternium is observed. §. IV. The Senate take advantage of the People's fears and superstition, to get the Military Tribuneship for Patricians only; pretending that the Gods were angry at the choice, which had been made of Plebeians to that Magistracy. The lake of Alba overflows. This being looked upon as a prodigy, Deputies are sent from Rome to consult the Oracle of Delphos. Six new Military Tribunes are chosen, all Patricians. Some defect being*
 VOL. II. S discovered

discovered in their inauguration, they all abdicate, and six new ones are chosen, all Plebeians. Their administration not being prosperous, Camillus is named Dictator. §. V. He takes Veii by sap.

Y. of R. §. I. **T**HE Senate's view in allotting funds for the payment of the troops, was not only to ease the People, but also to enable the State to carry on the war farther, and maintain it longer. Before this regulation they could not so properly be said to make war as incursions, which were generally terminated by one battle. These expeditions rarely lasted above twenty or thirty days, the soldiers for want of pay, not being able to keep the field for a longer time together. But now when the Senate found themselves in a condition to maintain an army abroad as long as they pleased, they began to form great designs; and, all opposition to a war with the *Veientes* being over, they resolved to besiege *Veii* itself, one of the strongest places in *Italy*, the bulwark of *Hetruria*, and which yielded to *Rome* neither in the courage nor in the wealth of its inhabitants.

Y. of R. The siege was begun in the year 348 of *Rome*, when the *Romans*, for the first time, chose six * Military Tribunes. The States of *Hetruria* held a general council, to debate whether they should unite their forces in the defence of the *Veientes* or not; but came to no agreement upon this head.

The next year, when *Rome* was again governed by six † Military Tribunes, the siege was carried on with

349. Y. of R. §. C. * C. JULIUS IULUS, a second time,
 403. M. ÆMILIUS MAMERCINUS,
 19th Mil. Trib. T. QUINCTIUS CAPITOLINUS,
 L. FURIUS MEDULLINUS, a second time,
 Q. QUINCTIUS CINCINNATUS,
 A. MANLIUS VULSO CAPITOLINUS.
 † P. CORNELIUS MALUCINENSIS,
 SP. NAUTIUS RUTILUS, a third time,
 CN. CORNELIUS COSSUS, a second time,
 C. VALERIUS POTITUS, a third time,
 K. FABIUS AMBUSTUS,
 M. SERGIUS FIDENAS.

less vigour than in the beginning, part of the *Roman* forces being called away to a war with the *Volsci*.

Livy tells us, that the year following the Republic Y. of R. chose eight Military Tribunes, among whom he reckons ^{350.} *M. Furius Camillus* and *M. Posthumius Albinus*; but in ^{350.} *Bef. J. C.* this he seems to have been mistaken: For, beside that ^{402.} *21st Mil.* the electing of eight was illegal, those two Senators, ^{Trib.} according to the Capitoline Fasti, were Censors this ^{*Livy* B. 5.} year, and there were but six || supreme Governors, of ^{C. 1.} whom *Appius Claudius*, grandson of the Decemvir was ^{*Sig. in*} ^{*Festus.*} one. ^{*Pigbius in*} ^{*Annal.*}

Happily for the *Romans*, the *Veientes* at this time chose themselves a King; a proceeding which so displeased the other States of *Hetruria*, who not only abhorred all Royalty, but had a particular dislike to this King, that they came to a resolution to refuse their assistance to the besieged, so long as these should continue under Regal Government.

We may judge of the strength of *Veii* by the length of the siege, which (with various fortune) lasted ten whole years; though perhaps this might be chiefly owing to the frequent changing of the Generals who commanded the *Roman* armies. Doubtless these changes hindered the *Romans* from making a swifter progress in conquest. Had they been constantly governed by some one of those illustrious Dictators who were their last refuge in cases of extreme danger, they had soon been Masters of *Italy*: But such is the usual conduct of a Republic, jealous of her liberty, she checks the rapidity of her victorious Generals, lest she herself should become a part of their conquests. It was at this siege that the *Romans* are thought to have first invented those lines of circumvallation and contra-

[*M. ÆMILIUS MAMBRACINUS*, 2^d time,
M. FURIUS FUSUS,
AP. CLAUDIUS CRASSUS,
L. JULIUS IULUS,
M. QUINCTIUS VARUS,
L. VALERIUS POTITUS, 2^d time.

S 2

vallation,

Y. of R. vallation, which have been since so much in use; at least this is the first time they are mentioned in Roman antiquity.

350.
Bef. J. C.
402.
21st Mil. Trib. Plut. Life of Cam. Livy, B. 5. c. 2.

The Military Tribunes considering that *Vei* could not be taken but after a long siege, and then rather by famine than force, formed a design of keeping the army in the field all winter, and they began to erect wooden barracks for the men. The soldiers made no opposition to it, chusing rather to live in the camp at the public expence, than in *Rome* at their own: But the Tribunes of the Commons had no sooner heard of this, than they immediately made it a pretence to raise an outcry against the Senate. They said in every Assembly, that indeed they always feared, the gifts of the Senate concealed some fatal poison; that this money was only a bait which the *Patricians* had made use of to deceive the People: That it was in truth the price of their liberty: That the Military Tribunes, in detaining the soldiers in the camp during winter, had visibly no other end, but to deprive the Commons of so many votes: That the Senate and *Patricians* would now reign despotically in all the Assemblies: But that they ought to be made sensible, that they governed men who were free; and that it was but fitting the poor Citizen who daily exposed his life in the defence of his country, should at the end of every campaign enjoy a little rest, and have the satisfaction of seeing his house, his wife, and his children, and of giving his voice in the election of the Magistrates.

c. 3—6. *Appius*, whom the other *Military Tribunes* had left at *Rome* to oppose the Measures of the *Tribunes of the Commons*, being informed of these seditious speeches, called an Assembly, and in a long harangue reproached those *Plebeian* Magistrates, That they studied nothing but to hinder all union between the two Orders in the State: That they sought to create themselves employment like knavish physicians: That their desire was to have the State always diseased, that they might ever be busy in the cure: That they seemed determined to like nothing which the Senate did, let it be never

advantageous to the People: That as Masters did ^{Y. of R.} not suffer their slaves to have any intercourse with the ^{350.} neighbours, lest they should be either well or ill used ^{Bel. J. C.} by them, so the Tribunes for the same reason could ^{402.} not endure that the Commons should have any inter-^{21st Mil.} course with the Nobles, and were enraged to see that the Senate had shewn so much tenderness for the soldiers as to allow them pay.

He added, " Either we should not have undertaken this siege, or we should continue it. Shall we abandon our camp, the forts we have erected, our towers, our mantelets and our gabions; and so have all the same works to begin again the next summer? And who will promise your Tribunes, who give you such wholesome advice, that all *Hetruria* will not be at length prevailed upon by the *Veientes* to arm and come to their assistance, if we raise the blockade, and give them opportunity to renew their solicitations. They may perhaps displace that Governor who is so disagreeable to the *Hetrurian* States, or he may perhaps for the sake of his country resign his authority. The scene would be much changed if those States should all unite against us. Who can assure you, that the *Veientes* thus strengthened, will not next year invade and pillage our territory? And what a contempt will it bring upon the Republic, if the nations bordering upon *Rome*, and now jealous of her greatness, shall find that your Generals, fettered by new laws of your Tribunes, are unable to finish a siege, or keep the field a moment after the fine weather is over? Whereas, on the other hand, nothing will make the *Roman* People more formidable, than their shewing that no severity of the seasons is able to put a stop to their enterprizes; and that they are firmly resolved to conquer, or die at the foot of the enemy's ramparts."

APPIUS was already a match for the Tribunes of the ^{Livy. B. 5.} Commons, even in their Assemblies, when a loss, ^{c. 7.} sustained at the siege, gave him a complete victory over them, and produced a surprizing concord between the

Y. of R. two orders at Rome. The *Veientes*, in a sally, surprized
 350. the besiegers, slew a great number of them, set fire to
 Bef. J. C. their machines, and ruined most of their works. This
 402. news, instead of depressing the spirits of the *Romans*,
 21st Mil. inspired them with new ardor for the continuation of
 Trib. the siege. The richer citizens, whose wealth qualified
 them to be in the first class among the *Roman Knights*,
 but who not having yet received horses from the Re-
 public, were therefore not legally and actually Knights,
 offered to mount themselves at their own expence. Ac-
 ceptance and a profusion of thanks from the Senate,
 rewarded this generous offer. And no sooner did the
 report of it reach the Forum, but the Commons came
 in crowds to the Senate-house with a tender of their
 voluntary services (in the infantry) to be employ'd be-
 fore *Vei*, or wherever it should be thought most pro-
 per; and they promised, in case they were led to *Vei*,
 never to leave the camp till the city was taken. The
 joy which had before filled the minds of the *Fathers*,
 was now made to overflow by this extraordinary and
 unexpected zeal of the Commons. These volunteers
 were not thanked and praised, as the cavalry had been,
 by some of the Magistrates commissioned to that office,
 nor were any of them called into the house to receive
 an answer: The Senators could not keep themselves
 within doors; out they ran, and every one in particu-
 lar, by his words and gestures, expressed to the mul-
 titude (that were standing below in the Comitium) the
 general gladness and exultation: "Happy, uncon-
 querable, eternal would *Rome* be made by this con-
 cord!" They praised the Knights, they praised the
 Commons, they extolled even the day "the Glorious
 Day!" they confessed the Senate to be out-done in
 kindness and benevolence. The Senators and the
 People seemed to vie with each other in weeping tears
 of joy; till at length the *Fathers* were called back into
 their house; and then they made a Decree, "That
 the Military Tribunes should, in an *Assembly of the*
People, give the due thanks to both cavalry and in-
 fantry, and assure them that the Senate would be e-

"ver

“ ver mindful of the affection they shewed for their Y. of R.
 “ country, and had come to a resolution to allow pay 350.
 “ to all the voluntiers.” It was at this time, that the Bef. J. C.
 cavalry in general began to receive pay out of the 402.
 public Treasury. 21st Mil. Trib.

The new army of voluntiers were conducted to *Veii*, the works, that had been destroyed by the enemy, restored, new ones formed, and provisions conveyed from *Rome* to the camp, with more care and diligence than ever; that so nothing necessary might be wanting to soldiers who deserved so well of the Republic.

The *Capenates* and *Falisci*, nations of *Hetruria*, near Y. of R.
 est to the *Veientes*, and consequently most concerned 351.
 in their preservation, armed privately, and joining their Bef. J. C.
 troops surprized and attacked the *Romans*. *L. Virginus*, 401.
 and *M. * Sergius*, both Military Tribunes, command- 22d Mil. Trib.
 ed at this siege. The jealousy, so common between per- * a second time.
 sons in equal authority, had set them at variance: each c. 8.
 had a body of troops under his command, and had as
 it were a separate camp. The *Capenates* and *Falisci*
 attacked that of *Sergius* on one side, at the same time
 that the besieged made a sally and attacked it on the
 other. The *Roman* soldiers thinking they had all the
 forces of *Hetruria* to deal with, were dismayed, fought
 faintly, and rather to defend their own lives, than
 with hopes to vanquish the enemy. It was not long
 before they gave ground, fell into disorder, and ran
 away. *Virginus* could have saved his Colleague's troops;
 his own were ranged in order of battle: But the ani-
 mosity between the two Generals was so great, that
Sergius chose rather to perish, than to ask the assistance
 of *Virginus*; and *Virginus*, on the other hand, would
 not give him any succour unless he would send and beg
 it. The enemy profited by this division: *Sergius's* ar-

* The other four were,
C. SERVILIUS AHALA, a third time,
Q. SULPITIUS CAMERINUS,
Q. SERVILIUS PRISCUS,
A. MANLIUS VULSO, a second time.

§ 4

my

Y. of R. my fled in disorder to *Rome*, which was but six leagues
 351. distant from the camp, and the General went thither
 Bel. J. C. himself, not so much to justify his own conduct, as to
 401. set forth the baseness of that of his Colleague.

22d Mil. Trib. The Senate hereupon sent orders to *Virginius* to
 leave his army under the command of his Lieutenants,
 and repair immediately to *Rome*, to answer to the com-
 plaints which *Sergius* preferred against him. The dis-
 pute was managed with great acrimony, and the two
 Military Tribunes ran into invectives against each o-
 ther before the Senate. Each had his friends there
 Livy, B. 5. who took his part. The *Conscript Fathers*, to quiet
 c. 9. the matter, thought it adviseable to make a decree,
 that all the Military Tribunes of that year should re-
 sign their Magistracies, and the People immediately
 proceed to a new election of Military Tribunes, who
 should enter on their office on the *Calends of October*.
 The four who had been in no fault acquiesced; but
 the two, on whose account this decree was proposed,
 begged of the Senate that they might not be disgraced;
 and when they found that their intreaties were not re-
 garded, they protested against the *Senatus-consultum*,
 declaring that they would not resign their authority be-
 fore the *Ides of December*, the due time for its expi-
 ration.

The Tribunes of the Commons, who much against
 their will had been for some time quiet, laid hold of
 this occasion to break out and make a figure. They
 threatened the two Generals to send them to prison, if
 they did not obey the Senate's orders. *Servilius Abala*,
 one of the Military Tribunes, full of indignation at
 the haughty manner in which these *Plebeian* Magistrates
 treated his Colleagues: "As for your threats, I should
 "not be displeased with an opportunity of shewing,
 "that you have as little courage to execute them as
 "you have right to utter them. But the decrees of
 "the Senate ought to be obeyed; and if my Colleagues
 "are refractory to its commands, I shall name a Dicta-
 "tor, who will be able, without your interposition, to
 "force them to quit their office."

Virginius

Virginius and *Sergius*, finding it fruitless to resist any longer, abdicated their Magistracy, and the People proceeded to a new election.

*L. * Valerius*, *L. Julius*, *M. † Æmilius*, *Cn. § Corne- Y. of R. lius*, *Cæso || Fabius*, and *Furius Camillus* were chosen ^{352.} ^{Bef. J. C.} Military Tribunes. And these new Governors had ^{400.} work enough upon their hands: they were to begin ^{23d Mil.} anew the siege of *Ven*, to keep the *Falisci* and *Capenates* ^{Trib.} in awe, and to recover *Auxur*, which the *Volsi* had ^{* A fourth} taken the last year. Besides, the Tribunes of the ^{time.} Commons kindled fresh broils, when the armies came ^{† A third} to be raised. They dissuaded the old soldiers, who ^{time.} were to stay in the city to guard it, from paying taxes, ^{§ A second} pretending they were exempted from that burden by ^{time.} being insisted. And the disturbances, occasioned by ^{|| A second} their seditious harangues, the levies, and collecting ^{time.} the tribute, were so great, that the tribes could not agree in the choice of more than eight new *Tribunes of the Commons*. Two were still wanting. The *Patricians* at first endeavoured to get them supplied out of their body, but in vain. They then caball'd to strike at the *Trebonian Law* [†]; and in the end prevailed to get ^{† Vid. sup.} two persons added to the eight, by the appointment ^{c. 30.} of the majority of those eight. This was in effect to abrogate the *Trebonian Law*. It happened, that among the Tribunes of the Commons, there was one *C. Trebonius* who thought it a duty owing to his name and family to take that Law under his protection. He told the People that their interests were betray'd; and he brought an odium upon those of his Collegues, who had ventured, of their own authority, to appoint two Tribunes. The People were especially exasperated against three of the eight, *P. Curvatus*, *M. Metilius*, and *M. Minutius*: But these diverted the hatred of the public from themselves, by turning it against *Sergius* and *Virginius*, the two Generals of the last year, whom they cited to appear in judgment before the People: and they forgot nothing, upon this occasion, that might inflame the minds of the multitude, not only against the two persons accused, but against the whole body of

Y. of R. of the *Patricians*. They said, "that though the two
 352. "Generals laid the blame of their ill success on each
 Bef. J. C. "other, *Virginus* reproaching *Sergius* with cowardice,
 400. "and *Sergius* accusing *Virginus* of treachery, it was
 23d Mil. "not probable, that either of them acted his shame-
 Trib. "ful part, but in concert with the Body of the *Patricians*: for that the study of the *Patricians* was to
 "protract the war; to the end, that, the soldiers be-
 "ing kept in the field, the Tribunes might not have a
 "sufficient number of voters in the city to support
 "their Bill concerning the *conquered Lands*, or any o-
 "ther Bill that tended to the advantage of the Com-
 "mons."

They added, "That the accused had, in effect,
 "been already condemned by the Senate, the *Roman*
 "People, and even their own Collegues. That the
 "Senate, by a Decree, removed them from the Go-
 "vernment; and when they refused to obey that De-
 "cree, their Collegues constrained them to it by
 "threatning to name a Dictator. That the *Roman*
 "People had created new Military Tribunes, and had
 "directed them to enter on their Magistracy, not on
 "the 13th of *December* (the usual time) but on the 1st
 "of *October*, because the Republic could no longer sub-
 "sist under the administration of *Sergius* and *Virginus*.
 "And yet these men, so universally pre-condemned,
 "had the folly to imagine, they were sufficiently pu-
 "nished by being reduced to the condition of private
 "Citizens, two months before the time; whereas the
 "abridging the duration of their Magistracy was only
 "a depriving them of the power of doing more mis-
 "chief, not an infliction of punishment; seeing their
 "Collegues, who had certainly committed no fault,
 "were removed from the administration at the same
 "time with them." In conclusion they admonished
 the People, "To recall those dispositions which they
 "lately felt, when they saw their routed, affrighted
 "army come flying to *Rome*, accusing, not Fortune,
 "nor the Gods, but only the two Generals.—There
 "is not one among you, who did not, that day, detest
 "and

“ and curse *Virginus* and *Sergius* and all that belong to ^{Y. of R.}
“ them. Is it fit, that after invoking the Gods to pu- ^{352.}
“ nish these criminals, you yourselves, when you have ^{Bel. J. C.}
“ them in your power, should shew them any indul- ^{400.}
“ gence? The Gods are never themselves the execu- ^{23d Mil.}
“ tors of vengeance upon unjust men; it is sufficient ^{Trib.}
“ that they furnish *the injured* with an opportunity of
“ revenge.” The People irritated by these harangues
would give no ear to *Sergius’s* Plea of *the Chance of War*,
nor to *Virginus’s* intreaty, *not to render him more un-*
happy at home, than he had been in the field. They
were each of them condemn’d in a fine of 10000 asses
of brass.

This prosecution had the designed effect; the People
were so intent upon it, that they forgot the *Trebonian*
Law, and their quarrel with the three Tribunes.

Rome at this time received good news from all parts,
where the war was carrying on: but this did not put a
stop to domestic seditions. The *Tribunes of the Com-*
mons preferred two laws, the first requiring a partition
of the lands, the second excusing the People from any
more contributions towards the soldiers pay: and in
fact they would not suffer them to pay the taxes; so
that the legions being deprived of their subsistence,
were ripe for a sedition.

But all this bustle ended in getting five *Plebeians* into
the Military Tribuneship. *P. Licinius Calvus*, *P. Ma-* ^{Livy, B. 5.}
lius, *P. Mænius*, *L. Titinius* and *L. Publilius*. ^{c. 12.}
Sp. Fur- ^{Y. of R.}
rius was the only *Patrician* elected at this time. ^{353.} [Livy
says, that *Licinius*, though a *Plebeian*, and never before ^{Bel. J. C.}
in any public office, was an old Senator.] The Tri- ^{399.}
bunes of the Commons were so much rejoiced to see ^{24th Mil.}
Plebeians in the supreme magistracy, that they ceased ^{Trib.}

* *Livy* reports, that the *Military Tribunes*, now chosen, were all
Patricians, except *Licinius*. But *Pigbius* and others are persuaded,
that the Historian has here made a mistake; all the names except
Furius, being names of *Plebeian* families; and three of them, *vis.*
Mælius, *Mænius* and *Titinius*, being the names of three *Plebeian* Mi-
litary Tribunes, chosen about four years after this time, according
to his own account.

their

their opposition to the tax; the soldiers received their pay again, their courage was revived, they took *Anxur* from the *Volsci*, and carried on the siege of *Veii* with perseverance; though they suffered much from the severe cold of the winter.

Y. of R. At the next elections, the Centuries almost unanimously chose five Military Tribunes out of the *Plebeians*, and only *M. Veturius* out of the *Patricians*. The five were, *C. Duilius*, *L. Atinius*, *Cn. Genucius*, *M. Pomponius*, and *Volero Publilius*. To hasten the reduction of *Veii*, the three armies of the last year joined their strength; and they entirely defeated the forces of the *Falisci* and *Capenates* who came to its relief. So complete a victory made the administration of the *Plebeian* Military Tribunes glorious in the eyes of the People; but it was not happy. The extreme cold of the weather changed on a sudden to excessive heat; and this occasioned a mortality both among men and cattle. The *Sybilline* books being consulted upon this occasion, the *Duumvirs* pretended to find there a sort of expiation never before used in *Rome*: It was called the *Lestisfœrnium*. They took down the Statues of *Apollo*, *Lactona*, *Diana*, *Hercules*, *Mercury*, and *Neptune* from their niches, and laid them on three beds placed about a table, on which magnificent repasts were served up to those Deities for eight days together. These public ceremonies were imitated in private families. Every one kept open house for friends, and strangers, and conversed friendly even with adversaries. All processes, disputes, and animosities were suspended; nay, the prisoners were released from their chains, to partake of the public rejoicings, and it was a point of Religion not to confine them again after the festival.

§. IV. THE *Patricians*, taking advantage of the present disposition of the People, gave out, that the mortality was owing to the wrath of the Gods, who, they said, were displeased, because in *Comitia*, held with the sacred Rite of observing the Birds, honours were prostituted, and no regard had to the distinction of families. By a religious scruple, thus raised in the minds

minds of the Multitude, and by presenting to them, at the next elections, candidates of the greatest dignity and best families, the *Patricians* carried a point which they had much more at heart, than the business of the war; the recovering to their order the supreme magistracy, which they had seemed in danger of losing forever.

*L. * Valerius, L. † Furius, M. Valerius, Q. § Servilius, Q. || Sulpicius*, and the famous † *Camillus* were chosen to be the six Governors of the Republic. This year the *Romans* had a prodigy to employ their attention. It happened to be a dry summer; but though there was little water in the rivers, springs or marshes, the lake of *Alba*, that seldom rose so high as to the foot of the rocks which quite surrounded it, swelled on a sudden to such a height as to reach the very tops of those rocks. This strange accident occasioned much discourse in the camp; and as in long sieges the soldiers of the different parties sometimes become acquainted, they talked of the prodigy from their several posts. One day when they were scoffing at one another in relation to the siege, an old foldier of the *Veientes* cry'd out in an enthusiastic manner, "*Veii* shall never be taken, 'till all the water is run out of the lake of *Alba*." A *Roman* Centinel, who had great faith in divination, hearing what he said, and, upon enquiry, understanding that he was a Diviner, contrived a stratagem whereby he made him prisoner, and then carried him before the *Roman* General, who sent him to the Senate. The old man affirmed to the Fathers, that what he had declared was agreeable to an ancient tradition, written in some prophetic books in his country, and that, if the *Romans* could draw the water out of the lake, *Veii* would be taken: but he advised them to have especial care, that the drains which should be made to carry it off, did not convey it to the sea. Though the Senate were not disposed to an implicit faith in the diviner, yet they thought the matter of such importance, as to send a deputation of three *Patricians* to *Delphos* to consult the Oracle upon it.

Before

Y. of R. Before the return of the Deputies, the People had
 356. chosen six new Military * Tribunes, all *Patricians*. The
 Bel. J. C. *Romans*, during the siege of *Veii*, found themselves
 396. obliged this year to make head not only against the
 27th Mil. *Volsci*, *Falisci*, and *Capenates*, but against the *Tarqu-*
 Trib. *nienses*, new enemies from *Hetruria*, who had com-
 Livy, B. 5. mitted hostilities in the *Roman* territory. *A. Posthumius*
 c. 16. and *L. Julius*, (two of the governors) who had staid
 in *Rome*, requested leave to raise troops to disperse
 them, and, when the Tribunes of the Commons ob-
 structed the levies, put themselves at the head of a
 small number of volunteers, and fetching a great com-
 pass about, surprized the *Tarquinienses*, as they were re-
 turning home, made a terrible slaughter of them, and
 recovered the booty they had seized.

Plut. in In the mean time the three *Patricians* returned from
 Cam. p. *Delphos*; and, to the astonishment of the Senate and
 137. People, the answer of the *Pythonefs* was perfectly con-
 formable to the prediction and advice of the old di-
 viner, whom, thereupon, they advised with concerning
 the necessary expiations to render the Gods propitious.
 Then the *Romans* sent out pioneers to make a canal,
 which might carry off the waters of the lake, and
 Kircher, convey them all over the fields, by trenches. [This
 B. 3. fine work subsists to this day, and the water of the lake
 Vet. Lat. *Albano* which runs along *Castel Gandolfo*, passes through
 it.] But the Oracle had likewise directed the *Romans*
 to re-establish the neglected ceremonies of religion,
 and to begin those again which had not been regularly
 Livy, B. 5. performed. The first they interpreted of the *Feste*
 c. 17, 18. *Latinae*, of late neglected; and they renewed the ob-
 servation of them. And as to the second it was disco-
 vered, that the election of the present Military Tribunes
 had been defective, with regard to the Auguries;
 whereupon they all abdicated, and after a short *Inter-*

* L. JULIUS IULUS, second time,
 L. FURIUS, fourth time,
 L. SERGIUS,

A. POSTHUMIUS,
 A. MANLIUS, third time,
 P. CORNELIUS, second time.

regnum

regnum were succeeded by six new ones, all * *Plebeians*. Y. of R. Their administration was not prosperous. *Atinius* and *Genucius*, two of them, marched with some troops to oppose an inundation of *Hetrurians*, who, not by order, but by permission of their Governors, were coming to attack the *Roman* intrenchments before *Veii*: The Tribunes fell into an ambush; *Genucius* was killed; and *Atinius*, tho' he rallied his men and retreated, durst not any more face the enemy in open field. The news of this disaster so terrified the army before *Veii*, that it was with difficulty hindered from disbanding. *Rome*, in a yet greater consternation, had recourse, as in the most pressing and general calamities, to a Dictator; appointing *M. Furius Camillus* to that supreme dignity. This elevation he owed wholly to the public danger and distress: a time when superior merit, without canvassing or intriguing, naturally gets into its right place. The change of the commander made a sudden change in every thing,—New hope—fresh courage—fortune seemed to turn at once in favour of the city. *Ca. Liv. B. 4. millus*, having named for General of the Horse, *P. Cornelius Scipio*, and having rigorously punished those cowards, who on the late alarm had fled from the camp, he rode thither with all expedition to revive the courage of the soldiers; which done, he returned to the city to raise a new army. The People strove who should first lift themselves under his banners; every

* *Livy* tells us, that old *Licinius Calvus*, the first Commoner ever raised to the Military Tribuneship, was now a second time named to that dignity by the majority of the *Prerogative Tribe*, i. e. of the Tribe to whose lot it fell to vote first; but at his request, pleading age and infirmities, the People chose his son in his stead. From this passage in *Livy*, it appears that the order established by *Servius Tullius*, in voting, had been changed; and that the Classes and Centuries were now blended with the Tribes. See vol. i. p. 208, 209. 429.

* *Omnia repente mutaverat imperator mutatus, alia spes, alius animus hominum, fortuna quoque alia urbis videri. Liv. L. 5. c. 19.*

* P. LICINIUS,
L. ATINIUS, second time,
P. MÆLIUS, second time,

L. TITINIUS, second time,
P. MÆNIUS, second time,
C. GENUCIUS, second time.

body

Y. of R. body was for going to the wars with a General whose
 357. victory had never deserted. Nay, the allies, (the *Lat-*
 Bel. J. C. *tines* and *Hernici*) of their own accord, sent to offer him
 395. a strong supply of their ablest youth. The Dictator
 28th Mil. Trib. marched from the city against the *Falisci* and the *Capenates*, whom, in the territory of *Nepe*, he defeated in a pitched battle; and, after this victory, which left him the country open, he repaired to the camp before *Veii*, restored military discipline, which of late had been very much slackened, invested the place more strictly, and strengthened his lines by several additional forts.

As the besieged defended themselves with no less courage than before; and as *Camillus* perceived that he should not be able to carry by assault or open force a town which had a whole army for its garrison, he had recourse to mines and sapping. His pioneers whom he divided into six companies, relieved one another; so that the work being carried on without interruption, they, in a short time, opened a passage under ground to the very citadel, the besieged suspecting nothing of the matter. The Dictator then thinking himself sure of conquest, sent to the *Conscript Fathers*, to know how they would have the spoils of the city disposed of.

Livy, B.
5. c. 20.

When the question came to be debated in the Senate, old *LICINIUS*, whose opinion was the first asked by his son (now Military Tribune) answered, that he thought, proclamation should be made, "That whoever of the citizens was desirous of sharing in the plunder of *Veii*, might repair to the Dictator's camp." *APPIUS CLAUDIUS* spoke warmly against this bounty, as an unprecedented prodigality, and inconsistent with equity and sound policy. "That if the Senate were absolutely against bringing the whole produce of the spoil into the public treasury (though much exhausted) yet, at least the soldiers ought to be paid out of it, and the Commons be thereby, in some measure, eased of their burden of taxes; and that by this regulation, every family in *Rome* would have some advantage from the booty." To this *LICINIUS* replied,

plied, " That the money, so reserved, and appropri-
 " ated, would be a source of endless discontent, occa-
 " sion impeachments, and seditions, and motions
 " for new Laws. That it was better to conciliate to
 " the Senate the good will of the multitude, by a
 " bounty, which would relieve their indigence, (caused
 " by the taxes they had paid for ten years together)
 " and would make them taste the sweet fruits of perse-
 " vering in a war, in which they might almost be said
 " to have grown old. That what each man should
 " take with his own hand from the enemy, and bring
 " home, would give him more pleasure, than a gift of
 " much greater value, from the Senate. That as it
 " was only to avoid the bringing odium upon himself,
 " the Dictator had referred the matter to the Senate,
 " so the Senate, from a like regard to themselves,
 " ought to abandon the whole spoil to the people, and
 " suffer every man quietly to enjoy what the fortune of
 " the war should give him."

This advice being thought the safer, prevailed ; a
 proclamation was issued conformable to it, and here-
 upon prodigious numbers of the citizens immediately
 flocked to the Dictator's camp.

Camillus, when he had taken the Auspices, and or-
 dered his troops to be ready for an assault upon the
 place, is said to have made the following vow and
 prayer : " O *Pythian Apollo*, it is by thy inspiration,
 " and under thy guidance, that I am going to assault
 " the city of *Veii* ! and I do therefore vow to dedicate
 " to thee the tenth part of the spoil which shall be
 " taken in it. And, O Queen *Juno*, who now residest
 " in *Veii*, vouchsafe to follow us victorious to our city,
 " which shall thenceforward be thy city, where thou
 " shalt possess a temple worthy of thy greatness !" To
 engage the whole attention of the besieged, so that
 they might as late as possible discover their danger from
 his Mine, *Camillus* (whose army was now numerous
 enough for the purpose) caused an assault to be made
 on all sides of the place at once. This drew the citizens
 from all quarters to the ramparts, wondering what
 should

Y. of R. should be the cause of so sudden and furious an attack
 357- from the *Romans*, who for some days had been quite
 Bef. J. C. still. While the besieged were in this amazement, the
 395- *Roman* soldiers, who filled the mine, rising up in the
 28 Mil. middle of the temple of *Juno*, which stood in the cita-
 Trib. del, sallied forth, and spread themselves in several
 bodies through the town. One fell upon the rear of
 those who were defending the walls, another broke
 down the gates; and the whole *Roman* army rushed in-
 to the place, putting all to the sword who did not sur-
 render their arms. It is said, that the Dictator, when
 he beheld the spoil, far exceeding his expectation both
 in quantity and value, lifted up his hands to heaven,
 and pray'd, " That, if his prosperity, and the prospe-
 " rity of the *Roman* People, should appear to Gods or
 " Men excessive, the envy might be all spent upon him,
 " rather than the public should feel even the smallest
 " effects of it : " and that after this prayer, as he was
 turning himself to the right he fell to the ground ; an
 accident, says *Livy*, which, after the condemnation of
Camillus and the destruction of *Rome* by the *Gauls*, was
 interpreted into an omen foreboding those events .
 The next day the prisoners of free condition were sold
 to the best bidder ; and the money arising from thence
 the Dictator transmitted into the public treasury, much
 to the dissatisfaction of the soldiers ; though this was
 the only part withheld from them of the produce of the
 spoil. Nor did they hold themselves obliged to the
 Dictator for what they brought away with them, be-
 cause from a selfish motive he had referred a matter
 to the Senate which it was in his own power to deter-
 mine ; nor did they think themselves obliged to the
 Senate, but to the two *Licinii* only, father and son,
 who

* According to *Plutarch*, *Camillus* pray'd, that the public might suf-
 fer nothing, and be himself very little ; and that he thought his prayer
 answered, by his falling down without hurting himself. Mr. *Dacier*
 is much displeased with this account, unworthy of the Hero. Both
 Mr. *Dacier* and *Gronovius* suppose that *Plutarch* did not understand
Livy's words ; Ut eam invidiam lenire suo privato incommoda
 [potius] quàm minimo publico populi Romani liceret.

who had made themselves the advocates of the People ^{Y. of R.} on this occasion.

When the conquerors had emptied *Veii* of all the riches that had belonged to *men*, they began to remove ^{357. Def. J. C.} what belonged to the *Gods*, and to remove the *Gods* ^{395. 48 Mil. Trib.} themselves; but this more like worshippers than plunderers. For they selected, out of the whole army, some of the youngest men, to whom, when their bodies were washed perfectly clean, and cloathed in white, it was given in charge to transport *Queen Juno* to *Rome*. They entered her temple with reverence, and, at first, but lightly touched her, to see how she would take it: Because, among the *Hetrurians*, it was not customary for any but a priest of a particular family to handle that image. As she gave no sign of anger, one of the lads, in a civil manner, then asked her, *Are you willing to go to Rome, Juno?*—*Yes, yes*, (answered the rest, all together) *she is willing; she gives a nod of assent*: And hence (says *Livy*) a fabulous report, that she herself made the answer in words. *He adds*, Certain it is, that she was easily moved from her place, and that they got her to *Rome* with as little trouble, as if she had followed them thither on foot. They conveyed her safe and sound to the *Aventine* hill, whither *Camillus* had invited her, and which was thenceforward to be the seat of her residence for ever; and there he dedicated a temple to her in discharge of a vow, which, to gain her favour, he had formerly made. Such, after a ten years siege, was the fate of *Veii*, the richest city of *Tuscany*; it was at once despoiled of its riches, its inhabitants, and its gods.

C H A P. XXXVII.

§. I. *The People are much displeased with Camillus.*

§. II. *The next year (the Republic being under the Government of six Military Tribunes, all Patricians) a Tribune of the Commons proposes, that half of the Senators, Knights, and People of Rome should remove to Veii, and settle there. After much struggle Camillus and the other Senators bring this project to nothing.*

T 2

§. III.

§. III. Camillus, chosen one of the six Military Tribunes for the year following, has the conduct of the war against the Falisci: He besieges Falerii their capital city, and punishes a Schoolmaster, who would have betray'd the place to him. The Falisci submit to the Romans. §. IV. The People, when the time comes for electing their Tribunes, chuse to the same office those of the old ones who had appeared for the proposal of removing half the People to Veii. On the other hand, the Patricians get Consular Government restored. The project of going to Veii, is debated in an Assembly of the People, and rejected by a majority of only one tribe. The Senate decree seven acres of the lands of Veii to every freeman of Rome. §. V. The Volturnenses, a People of Hetruria, take arms against Rome. The Consuls being seized with a contagious distemper, resign the Fasces. An interregnum ensues. And then Six Military Tribunes are elected to the government.

Y. of R.

357.
Bef. J. C.

395.
28 Mil.
Trib.

Livy, B. 5.
C. 23.

Plut. in
Cam.

p. 132.

Plin. B. 33.

Livy, B. 5.

c. 23.

Plut. in
Cam.

p. 133.

§. I. **T**HE length of the siege, the dangers attending it, the uncertainty of success, the importance of the conquest, all these made the news of the taking of *Veii* be received at *Rome* with the utmost transport of joy: The temples were filled with *Roman* Ladies, and four days were set apart for a public thanksgiving to the Gods; which had never before been practised in the Republic upon the greatest success. The very triumph of the Dictator had something new and singular in it. *Camillus* appeared in a stately chariot drawn by four horses all milk white, and he had coloured his face with vermilion.

White horses, since the expulsion of the Kings, had been allowed only to *Jupiter* and the *Sun*; and it was with vermilion the statues of the Gods were commonly painted. In the midst therefore of the praises which the People gave the Dictator, they could not without a secret indignation behold him affecting a pomp, which in a manner put him upon a level with the Gods. Vanity so impious much diminished the esteem and affection of the multitude for him; and he had not long resigned his

his Dictatorship, before he became perfectly odious to ^{Y. of R.} them. What partly occasioned this, was the vow ^{357.} which, just before ^{Bef. J. C.} the assault upon *Veii*, he made (as ^{395.} we have before observed,) to consecrate the tenth part ^{28th Mil.} of the booty to *Apollo*. Amid the hurry and confusion ^{Trib.} of the plundering, he remembered not his vow: and when it returned to his mind, [a year after] there could no easy means be found to make the soldiers give back the tenth of what they had got. In this perplexity the Senate proclaimed, that all who were desirous to have a clear conscience, and secure prosperity to their families, should honestly compute the value of their booty, and bring the tenth part of that value to the *Quæstors*, in order to make the God a present suitable to his majesty, and proportioned to the benefits received from him.

This contribution, exacted at a wrong time, alienated the hearts of the People from *Camillus*. His vow, they said, was to give *Apollo* the tenth of the *enemy's* spoils, but that he performed it by tithing the goods of his *fellow-citizens*.

§. II. THE centuries chose six Military Tribunes, ^{Y. of R.} all *Patricians*, for the new year. In the beginning of ^{358.} their administration, the *Capenates* sued for peace and ^{Bef. J. C.} obtained it. The war with the *Falisci* went on. In ^{394.} the mean time, to quiet the discontented people at ^{29th Mil.} home, the Senate decreed, that a colony of 3000 *Romans* ^{Livy, B. 5.} should be sent into the country of the *Volsci* (who ^{C. 24.} had lately made submissions) each man to have about three acres and a half of land: But when the time came for enrolling the names of those who were to form the colony, the *Plebeians* expressed a contempt of the Senate's bounty. "Why should they be sent into banishment among the *Volsci*, when the fair city of *Veii*, and its territory, more fertile and more ample

* *Plutarch* says, that *Camillus* made this vow before he left *Rome* to go to the siege of *Veii*.

P. CORNELIUS CASSIUS,

P. CORNELIUS SCIPIO,

M. VALERIUS, second time,

K. FABIUS, third time

L. FURIUS, fifth time,

Q. SERVILIUS, second time.

T 3

" than

Y. of R. 358. Sicinnius, one of the Tribunes of the Commons, preferred a bill for removing one half of the Senate and
 Bel. J. C. 394-29th Mil. People of Rome to Veii, (a city better situated and better built than Rome) yet so, that the two cities should form but one Commonwealth. He added, That the Romans would, by this means, more easily preserve their conquests. The chief nobles opposed his project with all their might; (and they had gained over to their side some of his Collegues.) They said they would sooner die than suffer so mischievous a bill to pass into a Law: "A people so prone to civil dissension, when dwelling together in one and the same city,—what will be their temper when living separate in two? —Would any man in his wits prefer a conquered city, to his own native city which had conquered it? —Would you have Veii, after its being subdued, exalted to be more considerable than it was before its reduction?—You may leave us here if you please; but nothing shall ever engage us to relinquish the place of our birth, and, in order to follow the new founder, Sicinnius, to Veii, forsake our God Romulus, the son of a God, and the father and founder of Rome."

§. 25.

In the struggle about this bill, nothing restrained the populace from blows and violence, but the deep-rooted respect which they had for the principal Senators, who whenever a shout was raised for beginning a scuffle, presented themselves to their fury, bidding them "assault, strike, kill."

CAMILLUS went about, loudly declaiming, "That it was no wonder, the people were seized with a madness, seeing they had nothing so little at heart as the performance of vows to the Gods, after receiving the favours, to obtain which the vows had been made. He would say nothing of the ALMS given to Apollo, instead of the TENTH of the spoil: each of the individuals had bound himself; so the state was free. But he was obliged in conscience to let them know one thing: That, though no mention
 " had

“ had hitherto been made, but of the moveables, yet ^{Y. of R.}
 “ his vow to *Apollo* had comprehended the city of ^{358.}
 “ *Veii*, and all the territory belonging to it.” The ^{Bef. J. C.}
 Senate, [pretending to be] perplexed with this new ^{394.}
 scruple, referred it to the Pontiffs; and these (in con- ^{29th Mil.}
 sult with *Camillus*) declared, “ that a tenth of whate-
 “ ver had belonged to the *Veientes* before the Dictator
 “ made his vow, and had, after his making the vow,
 “ fallen into the power of the *Romans*, ought to be sa-
 “ cred to *Apollo*. In consequence of this judgment,
 the city of *Veii*, and its territory were appraised, and a
 tenth of the value was given out of the public treasury
 to the Military Tribunes, to purchase gold with it, that
 a golden cup, or vase, large and massy might be sent
 as a present to *Apollo*. Gold being scarce, the ladies
 agreed among themselves to lend their toys and orna-
 ments to the State. Never were the *Fathers* better
 pleased with any thing, than with this complaisance of
 the sex; and, in return for it, a decree was made,
 that they should have the privilege of riding in covered
 chariots to the sacrifices and public games, and in open
 ones at all other times.

The business of the vow thus settled, the Tribunes
 of the Commons began to stir again, and the multi-
 tude to vent their anger against all the principal Sena-
 tors, and especially *Camillus*,—“ That by their *Refer-*
 “ *vations*, and their *Consecrations*, they had reduced
 “ the spoil of *Veii* to nothing.” And finding that
 the affair of removing to *Veii* was not like to be de-
 termined this year, they chose again, to the *Plebeian*
 Tribuneship, the same men, who had preferred the
 Bill. On the other hand the Senate, by employing all
 their influence, got those Tribunes re-chosen who had
 opposed the Bill; so that there was little change in the
 college.

§. III. By a like exertion of their utmost strength, c. 26.
 in the Comitia held for electing Military Tribunes, the
Fathers prevailed to have *Camillus* chosen to be one of
 the number. They pretended to want an able general
 for the war, but their real aim was to provide them-
 selves

Y. of R. selves with a champion able to make head against the
 359. Tribunes of the Commons, resolutely bent upon an *Agra-*
 Bef. J. C. *rian* Law, and an equitable partition of the lands of
 393. *Veii*. The five Collegues given him were all *Patricians*.
 30th Mil. Things remained quiet till *Camillus* had taken the
 Trib. field; and even then the *Plebeian* Tribunes made little
 progress in their affairs; while he, their most formidable
 adversary, acquired new glory by his conduct in
 the war against the *Falisci*. The enemy for some time
 kept themselves shut up in *Falerii*, 'till the devastations
 made by the *Romans*, in the territory about it, pro-
 voked them at length to come out: Their fear how-
 ever hindered them from advancing farther than about
 a mile from the town, and they encamped in a place
 so strong by nature, that they thought it needed no o-
 ther fortifications. *Camillus* nevertheless attacked them
 there, defeated them, and took their camp. The
 whole spoil he put into the *Quæstors* hands, much to
 the discontent of the soldiers; yet he kept them in awe
 by the strictness of his discipline; so that they hated
 him for the very virtue they admired in him. After
 this victory he invested *Falerii* and surrounded it with
 lines, but at so great a distance from the walls, that
 there was more than sufficient room for the besieged
 to come abroad and take the air without danger.

The *Falisci* had brought from *Greece* the custom of
 committing all their children to the care of one man,
 who was to instruct them in all sorts of polite learning,
 and see them perform the exercises proper for their
 age. The children had used often to walk with their
 master without the walls of the city, before the siege;
 and their fears of an enemy, who kept quiet, and at
 such a distance, were not great enough to make them
 discontinue the practice. But the present school-master
 proved a traitor. At first he led the youth only along
 the walls, then a little farther, and at length took his

^b M. FURIUS CAMILLUS, third time, L. FURIUS, sixth time, C.
 ÆMILIUS, Sp. POSTHUMIUS, P. CORNELIUS SCIPIO, second time,
 L. VALERIUS POPLICOLA.

opportunity,

opportunity, and brought them through the *Roman* Y. of R. camp, quite to the General's tent; whom he accosted ^{359.} with telling him, that by putting those boys, the sons ^{Bef. J. C.} of the principal citizens, into his hands, the city in ^{393.} effect was delivered up to him. *Camillus*, struck with ^{30th Mil.} horror at the treachery, ordered his *Lictors* to strip ^{Trib.} the traitor, tie his hands behind him, and then furnish ^{Plut. Life} the youth with rods, to whip him back again into the ^{of Cam. p.} city. A little before, the *Falisci* had protested they ^{133, 134.} would rather undergo the fate of the *Veientes*, than imitate the cowardise of the *Capenates*: But now they ardently desired peace; so deep an impression had the probity of *Camillus* made upon them. The Deputies whom they sent to him on this business, he suffered to proceed to *Rome*; where they addressed the Senate in the following manner. "You and your General have
 " gained a victory over us, which cannot be displeasing to Gods or Men. We submit ourselves to you,
 " out of a persuasion that we shall live more happy
 " under your laws than under our own. The *Romans*
 " and *Falisci* are this day giving two great examples to
 " mankind; you, in preferring an honourable action
 " to victory; we, in rather yielding to the power of
 " virtue, than the force of arms." *Camillus* demanded of the *Falisci* a year's pay for his troops, and having on that condition granted them peace, led back his army to *Rome*.

The applauses now given to *Camillus* by his fellow-citizens, were much sincerer than those he had formerly received, when the white horses drew his triumphal chariot through the city. And the Senate, ashamed perhaps of having delayed to discharge his vow to *Apollo*, deputed at this time, three *Patricians*, *L. Valerius*, *L. Sergius*, and *A. Manlius* to convey the golden vase to *Delphos*. The long ship on which these deputies embarked was intercepted by some pirates from the isle of *Liparæ*; and thither the captors carried their prize. But it luckily happened that *Timasitheus*, this year chief magistrate of *Liparæ*, had as much religion as any *Roman*. For when he understood, that the
 treasure

Y. of R. treasure which had fallen into the hands of his people,
 359. was an offering designed for *Apollo*, in discharge of a
 Bef. J. C. vow; and when he had farther learnt, that the three
 393. *Romans* were ambassadors, he not only entertained
 30th Mil. them hospitably, but in person, with a squadron of
 Trib. ships (the pious pirates consenting to it) convoyed them
 to *Delphos*, and from thence (when they had made
 their offering) safe back to *Rome*: For which generous
 and religious proceeding, he received, in virtue of a
 decree of the Senate, rich presents from the public;
 and they made a league of hospitality with him.

War with the *Æqui* was carried on this year, under
 the conduct of *Æmilius* and *Posthumius*, with such va-
 rious success, that neither the citizens at *Rome*, nor the
 soldiers in the field, could, for some time, tell which
 side had the better. At first when the two Generals
 acted in conjunction they gained a victory; but after-
 wards when, separating, *Æmilius* thought fit to go to
 garrison *Verrugo*, and *Posthumius* to lay waste the ene-
 my's borders, the troops of the latter, carelessly secure,
 and marching in disorder, were by the *Æqui* surprized,
 struck with terror, and put to the rout. They fled to
 some neighbouring hills; and their fright communica-
 ted itself to the garrison at *Verrugo*. *Posthumius* as soon
 as he had rallied his men, and posted them so as to be
 out of danger, reproached them bitterly with their
 coward-like behaviour. They confessed their fault,
 begged with earnestness to be instantly led to the at-
 tack of the enemy's camp (which was within sight, in
 the plain below) and declared they would submit to a-
 ny punishments if they did not force it before night.
 The General commended their ardor, bid them refresh
 themselves, and be ready at the fourth watch. As
 the *Æqui*, to hinder the *Romans* from escaping to *Ver-
 rugo*, were guarding the road that led thither, the two
 armies met in that road. The battle began by moon-
 light; and the shouts of the combatants reaching *Ver-
 rugo*, the troops there, imagining that *Posthumius's*
 camp was assaulted, took a fright, and, notwithstand-
 ing

ing all that *Æmilius* could say, fled for refuge to *Tus-Y. of R.*
culum. Thence flew a report to *Rome*, that *Posthumius*^{359.}
 was killed, and his army defeated: But a letter, crown-^{Bef. J. C.}
 ed with laurel, arrived from that General to the Senate^{393.}
 presently after, with an account of his having obtained^{30th Mil.}
 a compleat victory. ^{Trib.}

§. IV. THE bill for removing to *Veii* being still in *Livy*, B. 5.
 suspense, the *Commons*, when the Time came for elect-^{c. 29.}
 ing their Tribunes, were for continuing those of the
 old ones who had proposed the bill; and the *Patricians*
 endeavoured to get those re-elected who had opposed it.
 The former prevailed in their own *Comitia*. The pro-
 moters of the law were re-chosen, and the opposers^{Y. of R.}
 excluded: Upon which the *Fathers* in revenge made a^{360.}
 decree that Consuls should be chosen for the next^{Bef. J. C.}
 year: *L. Lucretius Flavius* and *Servius Sulpitius Cameri-^{392.}*
nus were by the Centuries raised to that dignity. <sup>87th Con-
sullship,</sup>

Under the new administration, *Sicinius* renewed his
 intrigues with more zeal than ever, to get the Law pas-
 sed for removing half of the People and of the Senate
 to *Veii*. *A. Virginius* and *Q. Pomponius*, two of the last
 year's Tribunes of the Commons, who had distinguish-
 ed themselves by their opposition to the law, were cited
 to appear before the tribes; and notwithstanding all the
 influence of the Senate in their favour, they were fined^{* 32l. 5s.}
 10000 Asles of brass: A sentence which gave great^{10d.}
 offence to the *Fathers*. *Camillus* loudly inveighed against^{Arbutnot.}
 the Commons, "who," he said, "were so blind, as^{Livy, c. 30.}
 "not to see, that by their iniquitous sentence they had
 "overturned the tribunician power; in as much as they
 "had deprived their Tribunes of the privilege of IN-
 "TERCESSION. But they deceived themselves, if they
 "imagined, the Senate would endure an unbridled li-
 "centiousness in any of those magistrates. That if the
 "violence of some of the Tribunes could not be repel-
 "led by the help of their Collegues, the *Fathers* would † Create
 "† find another weapon!" He likewise reproved the
 Consuls for "quietly suffering the two Tribunes to be
 "oppressed, who had done nothing but by advice of the
 "Senate, and had trusted to their promised protection."

And,

Y. of R. And, as to the Law in question, he never ceased exhort-
 360. ing the *Fathers* to oppose it with all their might; advising
 Bef. J. C. them to go down into the *Forum* (when the Tribes
 392. should be assembled to determine the affair) as men pre-
 87th Con- fulship. pared to fight in defence of their native land, the altars
 of their household Gods, and the Temples of the Gods of
 their Country. He added, " Were I at liberty, to
 " think of my own glory, when that of my country is
 " in question, what could flatter my ambition more.
 " than to see a city which I have conquered, inha-
 " bited by *Romans*, who would be so many living wit-
 " nesses of my victory, and where every object would
 " be a monument of my glory? But I think it would
 " be impious to re-people a city whose Gods have de-
 " serted it, and shameful to prefer before your own
 " country, a country conquered by it."

The Senators, old and young, moved by these exhortations, went all in a body to the *Forum*, when the Law was to be proposed, and dispersing themselves into their respective Tribes, with tears in their eyes, conjured the People not to abandon " that city where they
 " were born, and in defence of which both they and
 " their ancestors had so bravely and so successfully
 " fought." Then pointing to the *Capitol*, the Sanctuary of *Vesta*, and to the other Temples all around, " Can
 " you consent that the *Roman* People should be driven,
 " like exiles, from their guardian Gods, and their na-
 " tive country, to inhabit a city not long ago peopled
 " by their enemies? Better had it been, never to have
 " taken *Veii*, than that *Rome* should be thus deserted." As the *Patricians* abstaining from all violence, employed prayers and entreaties only on this occasion, and made frequent mention of the Gods, they, by raising a religious scruple in the minds of many, prevailed to have the law rejected, though it was only by a majority of one Tribe. And now the Senate were so pleased with this victory, that the next morning, at the request of the Consuls, they made a decree whereby they assigned seven acres of the lands of *Veii*, not only to every father of a family, but to every single person of free condition.

that

that the former might be enabled to educate their children, and the latter be induced to marry.

§. V. ON the other hand the People, obliged by this liberality, made no opposition to the election of Consuls for the next year. *L. Valerius Potitus*, and *M. Manlius* Livy, B. 5. c. 31. (afterwards *Capitolinus*) were the persons chosen; and they began their year by performing a vow made by *Camillus*, when Dictator, to celebrate the great Games. Y. of R. 361. Ref. J. C. 391. (Of these there were two sorts, the one celebrated every year in the month of *September*, in honour to *Jupiter*, *Juno*, and *Minerva*; the other called votive or extraordinary, had no fixed day appointed for them, and were celebrated in honour of *Jupiter* only.) 88th Consulship. Fast. Cap. Cic. in Ver. 2.

The *Romans*, commanded by their two Consuls, had this year a battle with the *Æqui*, whom they presently routed. *Valerius*, because he pursued the enemy farther, and killed more of them than *Manlius* did, was more honoured than he: *Manlius* had only an *Ovation*; *Valerius* a *Triumph*. In this same year, war was declared against the *Volturnenses* and *Salpinates* (nations of *Hetruria*) who, joining their forces, had, without provocation, made an incursion on the lands of the Republic. No army, however, could, for some time, be led against these new enemies, because a famine and pestilence, occasioned by an excessive hot and dry season, then raged in the *Roman* territory. *C. Julius*, one of the Censors, being carried off, *L. Cornelius* was substituted in his place, a thing afterwards deemed inauspicious, because *Rome* was taken in that Lustrum: Nor after this time did the *Romans* ever substitute, in the place of a censor who died in his office, another person to be colleague to the survivor. The Consuls too falling sick, the Senate decreed that they should abdicate; and an Interregnum ensue. *Camillus* was created Interrex, and succeeded by *Cornelius Scipio*, and he by *Valerius Potitus*. This last held an Assembly for the election of six Military Tribunes, that, in case some of the supreme Magistrates should be seized with the distemper, there might yet be others in a condition to take care of the public.

C H A P. XXXVIII.

§. I. Camillus is cited to appear in judgment before the People. To avoid a public condemnation he goes into exile. §. II. Shortly after, Clusium in Hetruria being besieged by the Gauls under King Brennus, the inhabitants implore the assistance of the Romans. Three brothers of the Fabian family are sent Ambassadors from Rome to mediate a peace. They rashly transgress the law of nations. Brennus, in anger, raises the siege, and marches towards Rome. §. III. He gives the Romans a total overthrow on the banks of the Alia. The third day after the battle, he enters Rome, burns the City and invests the Capitol. §. IV. Camillus, though at this time an exile, is, by a commission from the Senate, in the Capitol, constituted Dictator. §. V. The Gauls attempt to scale the Capitol in the night. Their approach to the ramparts is discovered by the gagling of some geese. The assailants are repulsed, chiefly by the bravery of M. Manlius. §. VI. Both besiegers and besieged being distressed by famine, they enter upon a treaty. The Romans are to purchase a peace with gold. While the gold is weighing, Camillus arrives: he forces the Gauls to raise the siege and quit the Country. §. VII. Rome being destroyed, the Tribunes renew the proposal of removing to Veii. Camillus (who is continued in the Dictatorship the whole year) opposes it with great zeal; but an accidental word of a Centurion is what determines the People to stay and rebuild the city. §. VIII. Before the end of the next year (during which the Commonwealth is governed by six Military Tribunes) the CITY is entirely REBUILT.

Y. of R.

362.

Bef. J. C.

390.

31st Mil.

Trib.

• A feventh

time.

† A second time.

Livy, B. 5.

c. 32.

§. I. **L**. LUCRETIUS, Serv. Sulpitius, M. Æmilius, * L. Furius, Agr. Furius, and † C. Æmilius, the six new governors of the Republic, entered on their office the first of July. The war with the Volfinienses fell by lot to Lucretius and Æmilius; that with the Salpinates to Agrippa Furius and Sulpitius. A total

total defeat, suffered by the *Volfiniensēs*, taught them ^{Y. of R.}prudence, so that they begg'd a truce from the *Romans*; which was granted for twenty years upon conditions. As for the *Salpinates*, they were so terrified ^{162.}by the defeat of the *Volfiniensēs*, that they durst not ^{Bef. J. C.}appear in the field, but left their country open to be pillaged. ^{390.}
^{31st Mil. Trib.}

At this time one *Cœditius*, a man of the lowest rank, pretended to have heard a miraculous voice, which pronounced distinctly these words, *Go to the Magistrates, and tell them, the Gauls draw near* *. The meanness of the man made the Military Tribunes despise the warning; and, notwithstanding the daily conquests made by the *Gauls*, the *Romans* appear plainly by their manner of treating the great *Camillus* (their only General capable of making head against such formidable neighbours) to have had no apprehension of any danger from them. *Apuleius*, one of the *Tribunes of the Commons*, summoned him to appear before an *Assembly of the People*, and answer to the accusation of ^{Plut. in}having robbed the public of some of the riches of *Veii*, ^{Cam. P.}of which charge certain brass doors, seen in his house, ^{134.}were said to be a proof.

Camillus was, at this time, in excessive affliction for ^{Ibid. p. 135.}the death of a son, and therefore, on receiving the ^{Livy, B. 5.}summons, he sent to the great men, formerly his ^{c. 32.}Collegues in office, to his friends, his clients, and the chief men of his Tribe, to come to him at his house. His purpose was to sound their thoughts and dispositions. When the Assembly, which was very numerous, had considered of the matter, they answered, that they would willingly pay the fine in which he should be condemned; but that it was not in their power to acquit him. Hereupon he chose rather to banish himself from *Rome*, than present to undergo the shame of a condemnation. 'Tis said, that when he came to one

* *Camillus* afterwards erected a temple to the unknown Divinity who made this revelation; and the *Romans* coined for him the name of *Aius Locutius*.

Y. of R. of the gates of the city, he stopped, and turning to-
 362. wards the capitol, pray'd to the Gods, that his un-
 Bef. J. C. grateful countrymen might quickly have cause to repent
 390. their having repay'd his services with so sharp an out-
 31st Mil. rage. Having thus cursed his fellow citizens, as *Acbill*
 Trib. did the *Greeks*, he retired to *Ardea*, a city not far from
Rome, and, in his absence, was fined fifteen thousand
Asses of brass; [about forty-eight pound of our mo-
 ney.]

The Destruction of *Rome*, by the *Gauls*, following
 so closely these transactions, it is no wonder, that the
 multitude, always superstitious, ascribed it to the anger
 of the Gods on account of the injustice done to *Ca-*
millus.

Livy, B. 5. §. II. He was no sooner gone, than Envoys arrived
 c. 33. from the inhabitants of *Clusum* *, in *Hetruria* †, im-
 * *Chiusi*. ploring the assistance of the Republic against an army
 † *Tuscany*. of *Gauls*, which had made an irruption into *Italy*, and
 now besieged their city. The occasion of the siege
 was this:

Plut. vit. ARUNS, a native of *Clusum*, a man well born, was
Cam. p. guardian to an orphan, named (or, perhaps, stiled)
 135, 156. LUCUMO, the richest and the handsomest youth in the
 place. The ward, who had been brought up, from
 his infancy, in the house of ARUNS, could not find in
 his heart to leave it, even when he arrived at that age
 which puts a young man under his own direction: he
 had such an esteem and affection for his guardian, that
 there was no possibility of living without his Company.
 It appeared, however, after some time, that the chains
 which held our pupil so fast bound in the place of his
 education, were not the virtues of ARUNS, but the
 charms of his wife. The passion being mutual, and
 growing too violent to be either conquered or concealed,
 LUCUMO carried off the Lady, avowed the action, and
 kept her publicly. To obtain reparation of honour,
 by course of Law, was attempted in vain: large bribes,
 and the numerous adherents to the ample fortune of
 LUCUMO enabled him to triumph over the complaints
 of an injured husband, not so rich as he. ARUNS, de-
 spairing

pairing of justice, applied his thoughts to revenge. The State was now become guilty of the cruel injury and affront which he had received from his ward. Against *Clusium* therefore he aimed the meditated mischief, forming a design to reduce the city under the domination of an army of foreign freebooters. He knew, that, from several Cantons of *Gaul*^b, multitudes of

Y. of R.
362.
Bef. J. C.
390.
31st Mil.
Trib.

^b *Gaul* was anciently divided into three parts. The first, which reached from the *British* sea to the *Seine*, was called (by the *Romans*) *Gallia Belgica*. The second, which comprehended all the country between the *Seine* and the *Garonne* quite to the *Alps*, they named *Gallia Celtica*. The third, containing all that tract of ground which lies between the *Garonne*, the *Pyrenees* and the western ocean, was called *Gallia Aquitania*.

The only *Gauls*, who at several times crossed the *Alps* and settled in *Italy*, were the *Celts* or the inhabitants of *Gallia Celtica*. About the year of *Rome* 160, during the reign of *Tarquin the Elder*, *Ambigatus*, King of the *Celts*, finding his dominions overstock'd with ungovernable subjects, sent away vast numbers of them to seek their fortune under the command of his two nephews, *Segovesus* and *Bellovesus*. The former took his way through the *Hercinian Forest* (of which the present *Black Forest* was but a small part) and settled in a canton of *Germany*, ever since called *Bohemia*, or *Boiemia*, from the word *Boii*, the greatest part of his followers being of that *Celtic* nation which was so named. But these being afterwards driven thence by the *Marcomani* or *Slavonians*, retired into that country which lies between the *Inn* and the *Iser*, and which from them took the name of *Boiaria* or *Bavaria*.

Bellovesus was followed by great numbers of almost all the other *Celtic* nations, as well as of the *Boii*. He crossed the *Rhone*, spread his army over *Dauphiny* and *Provence*, and at length entered *Italy*, between the mountains *Genevre* and *Cenis*. At this time the *Hetrurians* or *Tyrrhenians* possess'd the better part of it. *Bellovesus* having defeated them in a battle on the banks of the *Ticin*, drove them before him and took possession of their lands, each of the nations which followed him having its distinct portion of the conquered countries. The *Taurini*, or the inhabitants of the mountains on the side of *Gaul*, had *Piedmont*, the capital of which is *Turin*. Those inhabitants of *Provence*, who were called *Sulyes*, had *Liguria*. The *Libici*, another people of *Provence*, were placed on the north side of the *Pa*, where *Vercel* now is. The *Insubres* or *Burgundians* settled in the fine country of the *Milanese*, and there built a town, which they called *Mediolanum* (*Milan*) from the name of a little city in the territory of the *Antunois*, in *Burgundy*. The *Orobii*, who had dwelt on the banks of the river *Orobis* in the country now called *Languedoc*, settled in the territory of *Bergamo*, and built both the city of that

Y, of R. men had been formerly drawn into *Italy* by the
 362. allurements of its delicious wines: and it is said, that
 Bel. J. C. the *SENONES* (who possessed that part of *Gaul*, which
 390. lies to the South-East of *Paris*, and whose capital city
 31st Mil. was *Sens*) being hitherto unacquainted with that sort
 Trib. of liquor, he therefore chose to address himself to
 them, in the hope of gaining them to his purpose, by
 the means of some excellent wine, which he carried

name, and *Como*, but retained their old appellation of *Orobis*. *Bellovesus* seems not to have carried his conquests farther than this, nor to have brought into *Italy* all the nations which had engaged to follow him.

A second irruption into *Italy* was made by the *Cænomani*, (or those people of *Gallia Celtica* who dwelt between the mouths of the *Seine* and the *Loire*) under the conduct of one *Elisonis*. He was probably followed likewise by the *Bretons* of *Vannes* and the *Carnutes*. These new adventurers are said to have been tempted to cross the *Alps* by the wine which *Bellovesus* sent them. The *Gauls* were at this time almost perfect strangers to wine; nay, so late as the time of *Julian the Apostate* there was none made in *France*, at least in the neighbourhood of *Paris*. The *Cænomani* settled themselves north-east of the *Infubres*, and possess'd the present *Bresciano*, *Cremonese*, and *Manina*, on the north side of the *Po*. The *Veneti*, or the *Bretons* of *Vannes*, settled more eastward on the borders of the *Adriatic gulph*, and the country still retains the name of *Venetia*, which it received from them. As for the *Carnutes*, they went farther north, and took possession of the territory called from them *Carniola*.

It is uncertain from what part of *Gaul* the *Læves* (or *Lævi*) and the *Ananes* (or *Anamares*) came, who made the third irruption into *Italy*; but the historians agree, that the *Lævi* seized the country of *Novara* on the north side the *Po*, and that the *Ananes* settled in the neighbourhood of *Placenza* on the south side of that river.

The fourth migration of *Gauls* into *Italy* was, when the *Bois* and *Lingones* passed the *Alpes Penninae*, or mount *St. Galar*, and settled on the south side of the *Po*, between *Bologna* and *Ravenna*.

The *Hetrurians* being driven out of their old habitations by these inundations of strangers, passed the *Apennines*, and retired into that country which has been ever since call'd *Hetruria*, or *Tuscany*. It was divided into twelve *Lucumonies*, and reached from the *Arno*, to the *Tiber*; being bounded to the north, by the *Apennines*; and to the south, by the *Tyrrhenian* sea. And we are not told, that the *Hetrurians* were any more disturbed by the *Celts*, from the year of Rome 156 to the year 350.

It was 300 years after the invasion by *Bellovesus*, that the *Senones* made the fifth irruption into *Italy*. C. & R.

with

with him. It prevailed against all objections. * [O ye Y. of R. ^{362.}
men, how exceeding strong is wine!] A numerous army ^{Bef. J. C.}
of these *Gauls*, guided by the *Ætrurian* fugitive, passed ^{390.}
the Alps, and, without disturbing the *Celtæ*, in *Italy*, ^{31 Mil.}
fell down upon *Umbria*, and possessed themselves of all ^{Trib.}
the country, from *Ravenna* to *Picenum*, comprehending * 1 *Esdr.*
the present Dutchy of *Urbino*. They are supposed to ^{iii. 18.}
have been there about six years, when (in the year of
Rome 362) to reward their guide, by revenging his
quarrel, they undertook the siege of *Clusium*.

The *Clusians* had no alliance with *Rome*, nor any *Livy, B. 5.*
claim to her friendship, unless it were by their not hav- ^{c. 35—}
ing armed in defence of their countrymen, the *Veientes*, ^{55.}
when the *Romans* besieged *Veii*: Nevertheless they sent ^{Plut. in}
ambassadors to crave the aid of the Republic. Succours ^{Cam. p.}
the Senate did not grant; but commissioned three *Pa-* ^{136—145.}
M. Fabius Ambustus, to go to the
camp of the *Gauls*, and, in the name of the Senate and
People of *Rome*, admonish them to forbear hostilities a-
gainst the *CLUSIANS*, from whom they had received no
INJURY. The three brothers having delivered their
strand, in a council expressly summoned to give them
audience, *BRENNUS*, the King (or chief commander)
answered, laughing, *No injury?* “Yes indeed, the
Clusians have done us a great deal of wrong: For
they have more land than they are able to cultivate,
and yet have refused to give a part of it to us, who
are strangers, and numerous, and very poor. They
do us the same wrong that every powerful nation re-
ceives from its weaker neighbour, whom it has not
yet subdued. The most ancient of all Laws ordains,
that the weak should yield to the strong, and the
brave be Lords of the world.”

This haughty answer left the *Fabii* no hope of effect-
ing an accomodation; and it would seem, that through

U 2

the

* *Plutarch* makes *Brennus* speak, as if he were acquainted with all
the petty wars, which *Rome* had made upon her neighbours, the *Albans*,
the *Fidenates*, the *Ardeates*, the *Volsci*, &c. But *Livy* represents the
Gauls (in their answer to the Ambassadors) as strangers to the *Roman*
name. *Esti novum nomen audiant Romanorum*, &c. *B. 5. c. 36.*

Y. of R. the excess of their anger they forgot their character of
 362. ambassadors. For they soon after put themselves at the
 Bef. J. C. head of the *Clusians*, when these made a sally; and
 390. *Quintus Fabius* had the fortune to kill a General of the
 31 Mil. enemy, remarkable for his advantageous stature, and
 Trib. gallant appearance. At first, the *Gauls* mistook the
 victor for an *Hetrurian*; but while he was stripping the
 vanquished of his armour, BRENNUS perceived, that he
 was one of the *Roman* ambassadors, who, violating the
 Law of Nations, had thus taken part with the besieged.
 Instantly he ceased the fight, and sounded a retreat
 from before *Clusium*: ROME was now his object. Some
 of his officers would have had him march thither with-
 out the least delay. The advice of the elder sort pre-
 vailed: BRENNUS, before he set forward, dispatched a
 herald to demand of the *Romans*, that, in satisfaction
 for the injury, done by their Ambassadors, these, as
 the Law of Nations required, should be delivered up
 to the *Gauls*.

The demand did not appear unreasonable to the
Conscript Fathers: The Priests especially and the *Feciales*
 [the *Roman* Heralds] declared that it was perfectly
 just. Nevertheless, as it concerned persons of high
 birth, and great credit, the Senate would determine
 nothing; but referred the matter to an *Assembly of the*
People: And so powerful an influence had *Fabius Am-*
 Y. of R. *bustus*, the father of the ambassadors, on the multitude
 363. that they not only decreed to send back the herald with-
 Bef. J. C. out the satisfaction required, but chose the delinquents
 389. to be three of the six^b Military Tribunes for the new
 32 Mil. year.
 Trib.

BRENNUS, on the return and report of his herald
 put his army in march with all expedition^c. Observ-
 ing

^b FABIVS,
 CÆSO FABIVS,
 CAIVS FABIVS,

Q. SVPFICIVS,
 Q. SERVILIIVS, a fourth time,
 SER. CORNELIVS.

^c *Diod. Sic. Lib. iv.* makes *Brennus* wait the arrival of a reinforced
 ment from *Gaul*, before he begins his march; and this delay will give
 time (which otherwise it will be hard to find) for the solicitations of
Fabius the father, and the new Elections.

ing that the inhabitants of the villages fled, in a fright, Y. of R. 363. Bef. J. C. 389. 32 Mil. at his approach, he caused it to be proclaimed, where-
 ever he passed, that his arms were bent against the Ro-
 mans only, and that to *Rome* he was going.

The *Romans* (as *Livy* observes) seem to have been, at Trib. this time, infatuated. In their petty wars with the *Fidenates*, *Veientes* and other neighbours, it had been their usual practice, on occasions of extraordinary distress or danger, to create a Dictator; in whose single and absolute authority they always found great advantages, with respect both to the levying soldiers for the war, and to the maintaining discipline in the field; and the person chosen to this high office, was ever from among their ablest and most approved Generals: But now, when threatened by a far more dreadful enemy than the most potent of the neighbouring States, they neglected an expedient so successfully tried, and committed the conduct of an army, on which the preservation of *Rome* depended, to six commanders, equal in authority, most of them young, and of more spirit than capacity.

With a large body of troops, levied in the haste of a general consternation, they marched out, and met the *Gauls* near the place, where the river *Allia* falls into the *Tiber*, about eleven miles from the city. And here they immediately presented battle to the enemy, without having taken any of those previous measures, which were customary, and which prudence, and the superstitious prejudices of the soldiers required. No fortified camp behind them, to retreat to in case of a disaster: A total neglect of religion; no sacrifices, no *Auspicia*, no promise of victory from bird or beast. Fearing to be surrounded by the *Gauls*, superior^d in number, they thinned their center, (weakening it too much) in order to extend their wings and make their line of an equal

U 3

length

^d *Diodorus Siculus* reports (B. 4.) that the *Gauls* were 70000 strong. *Plutarch* says, the *Roman* army amounted to 40000 men, and was equal in number to the *Gauls*.

Livy, *Diod. Sic.* and *Plutarch* differ in some circumstances of this action, but agree in the main.

Y. of R. length with that of the enemy; which, nevertheless, they did not effect. Wherefore, to defend their right flank (for their left was defended by the *Tiber*) they posted a body of reserve on a small hill, which stood on the right of their Battalia? *Brennus* suspecting that these troops were to fall on his flank or rear, during the heat of the engagement, thought it expedient to begin by dislodging them from their post. While this was doing, a panic seized the main army of the *Romans*. Entire, unattacked, and without striking a stroke, they turned their backs, and fled; so that not one soldier fell in battle; great numbers in the rout. The troops of the left wing threw themselves into the *Tiber*, where many were drowned; but the greater part, escaping both that danger and the darts of the pursuers, got safe to *Veii*; from whence they neither attempted to go home, nor even sent thither any advice of their defeat. The whole right wing made the best of their way to *Rome*, and, when they had entered the city, without stopping to shut the gates after them, fled for refuge into the citadel.

If the *Gauls* had closely pursued these terrified legions in their flight, nothing could have hindered the total extinction of the *Roman* name. But the conquerors, not imagining their victory to be so compleat as it was, lost three days in banqueting and dividing the spoil; so that the *Romans* (who despaired of preserving the city) had time to secure the fortress of the capitol*. Provisions, arms, every thing necessary for defence, were with the utmost diligence conveyed into it. Thither the strength of the Senate, and all the citizens, able to bear arms, retired, not excluding their wives and children from that asylum. As for the old men, not capable of either serving the public or shifting for themselves,

* Thus writes *Plutarch*: *Livy* tells us, that the *Gauls* did march to *Rome* the very day of the victory, and arrived there before sun-set; but finding the gates open and the walls without soldiers to defend them; astonishment, and the apprehension of some stratagem, to be executed by the *Romans* in the night, made *Brennus* encamp at a small distance from the town. *Livy*, B. 5. c. 39.

hemselves, it was thought the loss of them might be easily borne, seeing they were a generation, that, by the course of nature, must very soon go off the stage. And, in order to induce the multitude of superannuated men of the lower rank to acquiesce the more readily in their being left in the city to the mercy of the *Gauls*, some ancient Consulars and victorious Generals, who had been honoured with *the Triumph*, declared publicly, that “ they would die with them: These bodies, too weak to support the weight of arms, too weak to be employed in the defence of our country, ought not to be a burthen upon those who are armed for its preservation, and who may soon be distressed by a scarcity of provisions :” Then, turning to the soldiery, and following them all the way to the citadel, pathetically recommended “ to their bravery and youthful vigour the defence of what remained of a State, that for more than 360 years had, in all its wars, been victorious.” But when the moment came that these venerable elders and the young men were to take a final leave of each other, deep was the distress which that scene exhibited; and it was made consummate by the weeping and lamentations of the women, distractedly running to and fro, from their husbands to their sons, from their sons to their husbands, asking now these, now those, *What shall we do?* irresolute, undetermined which to follow—whose fate to share.

A great number of the women, however, though not invited, followed their relations into the citadel, nobody opposing it; for how inconvenient soever the admitting them might prove, there was no avoiding that inconvenience without being inhuman. The remaining multitude (which consisted chiefly of the populace) too numerous to be lodged within a fortress that stood on so small a hill, or to be fed there, if it could have contained them, poured forth from the city in a mighty throng, passing over the bridge *Sublicius* to the *Faniculum*; from whence they dispersed themselves about the country, having neither leader to conduct them, nor any concerted scheme to follow.

Y. of R. In the mean time, the priest of *Romulus* and the ve-
 361. tals, after consulting together, agreed to hide under
 Bel. J. C. ground, such of the holy things as they could not carry
 389. off; which done, these likewise (bearing, as it is said,
 22 Mil. the sacred fire, and other important matters) made the
 Trib. best of their way to the *Janiculum* ^a; and from thence
 they were conducted to *Cære* in *Hetruria*, where they
 continued to perform their accustomed religious rites
 and worship of the Gods.

When the crowd of superannuated patriots, had, by
 their advice and exhortations to the soldiers, done all
 that was in their power towards the defence of the ca-
 pitol, they returned to their houses, there to wait, with
 steady resolution, the coming of the enemy, and death.
 Such of them, as had triumphed for victories, or had
 been *Curule* Magistrates, that they might die with the
 greater dignity, adorned themselves with the insignia of
 those honours which they had acquired by their virtue.
 Cloathed in their triumphal robes, or in those of their
 magistracies, they repaired to the Forum ^b, and seating
 themselves there, in their curule chairs, maintained the
 same respectable air of greatness, as when in the full-
 ness of their former power.

Some say, that the *Pontifex Maximus* pronounced
 over these antients the form of words prescribed, in
 cases of self-devotement; which was a high point of
 religion and virtue among the *Romans*, they believing
 that the voluntary sacrifice which their leaders made of
 their own lives to the infernals Gods, brought confusion
 and destruction upon the enemy.

^a *Livy* tells us (B. 5. c. 40.) that one *Albinus*, a *Plebeian*, who was
 conveying his wife and children in a cart, to some place of safety, ob-
 serving the holy virgins, with their holy burthens, ascending the *Ja-
 niculum* on foot, thought it irreligious to let his family ride while the
 vestals walk'd; and therefore, making his people alight, he put the
 priestesses, and their sacred cargoes, into the cart, and conducted
 them to *Cære*.

Here they met with a favourable reception, and because the Vestals
 remained at *Cære*, and continued to perform the rites of religion there,
 those rites were thence called *Ceremonies* from *Cære*, and *Manere* to
 Remain. Val. Max. B. 5. c. 39.

^b *Livy* says, that they seated themselves in the porches or halls of
 their own houses.

As

As the *Gauls* had met with little resistance from the *W. of R.*
Romans in the field, and were not put to the trouble of an assault to take the city, they entered it (at the gate ^{363.} *Collina*) without any thing, in their appearance of hostile ^{Def. J. C.}
 anger, that raging flame kindled by opposition, diffi- ^{389.}
 culty and danger. Moving on, they beheld, with ^{32d Mil.}
 amazement, the streets unpeopled as a desert; and
 when they came to the Forum, and cast their eyes all
 around, they could observe no shew of war but in the
 citadel alone. What chiefly drew and fixed their at-
 tention, was the company of venerable victims, who
 had devoted themselves to death. Their magnificent
 purple robes, their long white beards, their air of great-
 ness, their silence, stillness, and serenity, all these asto-
 nished the *Gauls*, held them at an awful distance, and
 inspired them with the same respect which they would
 have had for so many Gods. It chanced, however, that
 one of the soldiers (who was, probably, less apt to be
 religiously affected than his comrades) took the free-
 dom, gently to put his hand towards the beard of *Ma-*
nus Papirius, as if he meant to stroke it; a familiarity
 which so offended the majestic figure, that, with a smart
 blow of his ivory truncheon, he broke the fellow's head.
 There needed no more to put an end to all reverence for
 such a choleric deity. The *Gaul* instantly killed *Papi-*
rius; and as if, by this, he had given the signal for a
 general massacre, all the rest were now slain, sitting,
 like him, in state, in their curule chairs. After which,
Brennus having properly posted a guard to prevent any
 attack, from the citadel, upon his men, when divided
 and dispersed about the city, these betook themselves
 to plunder and destroy; they spared not a mortal, made
 no distinction of age or sex; and, when they had rifled
 the houses, set some of them on fire.

The first day, no great execution was done upon the
 houses; which makes it doubted, whether the *Gauls*
 originally intended to destroy *Rome* totally, or, whether
 by letting the *Romans* see part of the city in flames,
 they meant to terrify them, and engage them to a sur-
 rendry, by the hope of saving the remainder. Be that

as

Y. of R.
363.
Bel. J. C.
389.
3rd Mil.
Trib.

as it will, the garrison of the capitol were steady in their resolution not to yield; and the *Gauls* proceeded to lay all *Rome* level with the ground. Instead of a considerable city, nothing now was to be seen but a few little hills covered with ruins, and a wide waste, in which *Brennus* encamped his army, investing the ^a citadel. Once he attempted to scale the hill on which that stood; but without success: The *Romans* met their enemies in the mid-way of the ascent, and, having so great advantage of the ground, easily repulsed them; and the *Gauls* became sensible that they could never, by assault, possess themselves of the place. It was determined therefore, that one part of the army should blockade it, while the other made incursions into the adjacent countries for provisions.

§. IV. FORTUNE conducted these foragers to the neighbourhood of *Ardea*, whither *CAMILLUS*, in his exile, had retired. This great man, less afflicted for his own misfortunes, than for the calamities of his country, and watchful to seize every opportunity of serving her, received intelligence, that the *Gauls*, secure in the terror of their arms, preserved no order nor discipline in their marches: That they spent whole days in drinking: And that neither officer nor soldier dreamt of other Enemies, beside those who were blocked up in the capitol. Thus furnished with arguments he addressed himself to the magistrates, and obtained their permission to lead out, against the common enemy, the youth of the city. These were very willing to follow him. He chose the dead of night for his expedition, and surprizing the *Gauls*, unarmed and asleep, made a dreadful slaughter of them; and those that escaped under shelter of the

^a *Livy*, B. 5. c. 46. relates that one *Fabius Dorso*, being obliged on a certain day to perform a sacrifice to the tutelar Gods of his family, and the hill *Quirinalis* being the only place where the sacrifice could regularly be performed, when the day came, he dressed himself like a sacrificer, came out of the Capitol, carrying his Gods with him; and that the *Gauls*, out of a regard to religion, suffered him to pass to the place appointed, and to return in safety to the Citadel, after he had offered his sacrifice.

night,

night, fell next day into the hands of the peasants, who ^{V. of R.} gave them no quarter.

The news of this action was quickly spread far and wide. It gave fresh courage to the *Romans*, who had taken refuge in *Veii*. These formed a pretty strong body! They had just cut off two parties of *Ætrurian* pillagers; and their strength was now increased by the coming of those soldiers who, after the defeat at the river *Allia*, had dispersed themselves about the country.

All in general looked upon *Camillus* as their last resource, and earnestly wished to have him for their leader. "He is no longer an exile. *Rome* is no more, we have now no country. Why must the *Ardeates*, who are strangers, acquire glory under the conduct of *Camillus*, while we, once his fellow-citizens, lie idle and see our country possessed by the *Gauls*?" They presently sent deputies with an humble request to him to be their commander.

Camillus would not take the command of the *Romans* upon him, without the approbation, first obtained, of the Senate in the Capitol. To learn the Senate's pleasure was very difficult, the place being invested by the enemy. Nevertheless a young man, named *Pontius Cominius*, undertook it. He put on a light habit, provided himself with cork, and in the beginning of the night threw himself into the *Tiber* above *Rome*. The stream carried him undiscovered to the foot of the capitoline hill; and at a very steep place, where the *Gauls* had placed no centinels, he mounted with difficulty to the Citadel. Having made himself known to the guard, he was straight admitted into the place and conducted to the Magistrates. These, without delay, assembled the Senate: The deputy gave them an account of *Camillus's* victory, and, in the name of all the *Romans* at *Veii*, requested that they might have him for their General. Not much time was spent in debates: The Senate decreed

^b *Livy* makes the People themselves have this scruple. *Consensu omnium placuit, ab Ardea Camillum acciri; sed antea consulto senatus, qui Romæ esset, adeo regebat omnia pudor, discriminaque rerum prope perditis rebus servabant.* B. 5. c. 46.

Y. of R. creed, " that *Camillus* should, by an act of the people,
 363. " assembled by *Curia*, be recalled from banishment,
 Bef. J. C. " and, by the authority of the people, be immediately
 389. " appointed DICTATOR." *Pontius*, with the same
 32d Mil. good fortune that had attended him in going to the
 Trib. capitol, got back to *Veii*, bearing this decree; and the
Romans in *Comitia Curiata*, joyfully made a LAW con-
 formable to it.

THUS was *Camillus* from the state of banishment
 raised at once to be the sovereign Magistrate of his
 country. On notice of the honour done him, he re-
 paired to *Veii*, and there quickly saw himself at the
 head of above forty thousand men, *Romans*, and allies.

§. V. WHILE he was preparing to march against
 the enemy, the Capitol had like to have been taken
 by surprise. Some *Gallie* soldiers having spied on the
 side of the hill the prints of *Pontius's* hands and feet,
 made their report of it to *Brennus*; who immediately
 conceived a hope of scaling the hill by the same way
 that the *Roman* had ascended. For the execution of
 this design, he chose out of his army such soldiers, as
 had dwelt in mountainous countries, and been accus-
 tomed from their early youth to climb 'precipices.
 These, under cover of the night, climbed up from
 rock to rock, and with much difficulty, and more
 danger, advanced by degrees, lending each other a
 hand, till they arrived at the foot of the wall.

They had got up so silently as not to be discovered
 by either man or dog: But they could not escape the
 vigilance of some geese, which being consecrated to
Juno, had, notwithstanding the scarcity of provisions,
 been preserved alive. These creatures, naturally quick
 of hearing, and now more 'wakeful than ordinary
 through hunger, (having been kept at short allowance)
 were alarmed at the first approach of the *Gauls*; so
 that running up and down, they, with their gagling

† The learned and judicious monsieur *Dacier* is much discontented
 with this philosophical conceit of *Plutarch's*, and is of opinion, that
 a goose, how well soever fed, will always be very wakeful.

and

and the beating of their wings, awaked the soldiers that ^{Y. of R.} lay near. *M. Manlius*, a Consular person, was the first, ^{363.} who starting up ran to defend the wall. Of two *Gauls*, ^{Bel. J. C.} whom he found on the top of it, he slash'd off the hand ^{389.} of one, while aiming a blow at his head; and, almost ^{32d Mil.} at the same instant, with his buckler so strongly pushed back the other, that he fell from the rampart, and in his fall overthrew all those who were behind him. And now, some of the garrison coming to the aid of *Manlius*, he easily repelled the rest of the assailants, and drove them headlong down the precipice.

The besieged, after their escape, passed the remainder of the night in as much tranquillity as men could do, whose minds had been alarmed and agitated by so great a danger. In the morning, at day-break, the Military Tribunes, by sound of trumpet, called the soldiers together in order to dispense rewards and punishments. First of all *Manlius* was praised for his gallant behaviour, and had presents, not only from the magistrates, but from all the soldiers; each of whom carried to his house, which stood in the citadel, half a pound of meal, and a small measure of wine, which ^{Y. of R.} he spared out of his short allowance: A reward ^{363.} considerable only as it was a proof, in the present scarcity ^{Bel. J. C.} of provisions, of the real affection of the givers. ^{389.}

After this, the centinels, through whose neglect ^{33d Mil.} of ^{Trib.} duty the *Gauls* had been able to mount, undiscovered, to the rampart of the citadel, were cited to appear. The Military Tribune, *Sulpitius*, declared that he would punish them all, according to the laws of war; but finding that the soldiers disapproved of this measure, and unanimously and loudly concurred in laying

• The *Romans* extended their rewards and punishments even to the geese and dogs. The former were ever after held in honour at *Rome*, and a flock of them was always kept at the public expence. A golden image of a goose was set up in memory of their service; and a goose was every year carried in triumph on a soft litter finely adorned, whilst those dumb guards the dogs were held in abhorrence by the *Romans*, who every year impaled one of them alive on a branch of elder. *Plin. & Plat. de fort. Rom. C. & R.*

all

Y. of R. all the blame on one centinel, he thought it not safe
 363. to meddle with the rest. The man, universally con-
 Dem. J. C. demned, was thrown headlong from the rock.

389. But now famine began to oppress both parties equally.
 394 M.H. *Camillus*, since his nomination to the Dictatorship, had
 Trib. possessed himself of all the roads. The *Gauls* durst not stir out to forage; so that the besiegers were themselves besieged, and suffered the same inconveniencies that they made the *Romans* undergo. A contagious distemper also prevailed in the army of the *Gauls*, occasioned by the great heats to which they were not accustomed.

§. VI. At length the distress on both sides occasioned a truce and a parley. *Brennus* having intimated, that he would raise the siege (which had now lasted seven months) on the *Romans* paying an inconsiderable ransom; and the soldiers in the capitol having signified to their commanders, that they could no longer support the fatigue of continual watching, and the misery of famine^d, and must therefore either surrender or redeem themselves, the Senate commissioned *Sulpitius* to treat with the enemy. A thousand pound weight * of gold was the ransom agreed upon; the price of a people who were one day to be lords of the world. The *Gauls* brought false weights; to which, when *Sulpitius* objected to them, the King insultingly added his sword,

* About
 45000 l.
 sterling.

^d *Laërtius* (B. 20.) tells us a strange story of the *Romans* being admonished and directed in a dream, by *Jupiter*, tutelary god of the capitol, to make all the corn they had into bread, and throw it into *Brennus's* camp, not reserving the least morsel of it for their necessities: And that the *Gauls*, being hereby deceived, and despairing to reduce the *Romans* by famine, raised the siege. In memory of the God's favour, the *Romans* erected an altar to him, under the name of *Jupiter Pistor*, *Jupiter the Baker*. *Ovid* seems to countenance this story, Fast. B. 6.

*Passa fama vinci spes excidit, hoste repulso,
 Discam Pistoris quid velit ara Jovis.*

Both *Livy* and *Florus* mention the throwing of loaves of bread from the capitol, in order to deceive; but they both ascribe the driving away of the *Gauls* to *Camillus*. C. & R.

which

which he threw into the scale, giving no other reason, but "Woe to the vanquished!" † The *Romans* not being in a condition to resent this affront; and wisely considering, that the chief indignity they suffered, was not in paying more than they had agreed to, but in paying any thing, were just on the point of finishing the affair, when, on a sudden appeared *Camillus* with his forces at the place of conference. [How he made his way thither unperceived, it is hard to guess.] Instantly he commanded the gold to be taken away, and the *Gauls* to depart: "'Tis with iron, not with gold, that the *Romans* are wont to defend their country." In vain did *Brennus* represent to him, that he contravened a treaty, actually concluded. *Camillus* replied, that, he being Dictator, no treaty made without his approbation, could be valid; and he warned the King to prepare for battle. The *Gauls* were now routed with as much ease as they had defeated the *Romans* at the river *Allia*; and *Camillus* the next morning in a second engagement with them on the *Gabinian* way, eight miles from *Rome*, so totally vanquished and destroyed them, that not a man was left to carry home the news of their disaster. The Dictator returned in triumph to the city, and the soldiers in their songs stiled him **ROMULUS, FATHER OF HIS COUNTRY, AND SECOND FOUNDER OF ROME.**

§. VII. *CAMILLUS*, who had thus * saved his country in war, may be said to have preserved it a second

* That *Camillus* thus saved his country, as *Livy* and *Plutarch* report, is undoubtedly *fabulous*; though neither *M. Vertot*, nor the Jesuits take notice of any objection there is against giving credit to the story. *M. Rollin* indeed observes, (*Hist. Rom. Tom. 2. p. 384.*) that *Polybius*, (*B. 2. c. 18.*) silent concerning the double defeat of the *Gauls* by *Camillus*, imputes their retreat from *Rome*, to their being called home to defend their own country against the *Veneti* who had invaded it: Yet *M. Rollin* seems to think that the other account may nevertheless be true: for he adds, "It ought to be remarked, that *Polybius* does not enter into the particulars of this *Grand Action*, but confines himself to the giving a general idea of it." But *Polybius*, in the passage referred to, tells us, that the *Gauls* did return home, and had afterwards quarrels among themselves; consequently they were not

Y. of R. second time, when in peace, by hindering the people from removing to *Veii*; a project which was now renewed with more warmth than ever.

363.
Bef. J. C.
389.
33d Mil.
Trib.

The houses of *Rome* being all demolished, and the walls razed, a heartless despondency seized the multitude; they were extremely backward to set about rebuilding; and the rather, as *Veii* offered them a place fortified by art and nature, good houses ready built, a wholesome air, and a fruitful territory. They said, "they were but just escaped, as it were, quite naked from shipwreck, exhausted by misfortunes, without strength and without materials for rebuilding a whole city, of which nothing was left but the ruins." Nor did there want declaimers to throw out hard words against *Camillus*, as if from vain glory and the ambition of being esteemed a second *Romulus*, a new founder of *Rome*, he opposed a design of such great and general advantage.

On the other hand, the senate, resolutely determined against removing to *Veii*, would not suffer *Camillus* to quit the Dictatorship, after his triumph, and the expiration of his six months. They earnestly entreated him not to leave the commonwealth in an unsettled state. The Dictator complied with the desire of the *Fathers*. And now, as he was ever most egregiously devout, the first business to which he gave his attention, was what concerned the worship of the Gods.

put to the sword by *Camillus*. And the same historian (B. i. c. 6.) asserts, that the *Romans* [in the capitol] made a convention with the *Gauls*, upon the terms which the latter thought fit to prescribe. And in B. 2. c. 22. he represents some Gallic Ambassadors encouraging two Kings of the *Gesatae*, to join the *Gauls* in a war against *Rome*, by this consideration, That the *Gauls* had formerly vanquished the *Romans* in battle, taken their city, held it seven months, and then restored it to them voluntarily, and out of mere generosity, [ἰθὺς αὖ καὶ μετὰ χάριτος] returning safe home enriched with spoil.

The pretended generosity of the *Gauls* is a flourish of the Ambassadors, who are introduced speaking; but the other facts agree with what is said by *Polybius* himself, in the before cited passages; so that it is evident, this unbiassed historian did not believe one word of *Camillus's* marvellous exploits against *Brennus*. See likewise *Sueton. Vit. Tib. c. 3. Justin. L. 38. c. 4. Diod. Sic. L. 4.*

He

He obtained a decree of the senate, " For purifying
 " all those temples and sanctuaries which had been
 " prophaned by being in the enemy's possession; and
 " for consulting the Duumvirs, who had the care of the
 " Sibylline books, about the proper manner of puri-
 " fication.

" For making a league of hospitality with the *Carites*,
 " who had so kindly entertained the *Roman* priests and
 " the vestals :

" For celebrating the *Capitoline* games in honour of
 " *Jupiter*, who had defended the place of his resi-
 " dence, and the citadel of *Rome* ; and for empower-
 " ing the Dictator to constitute a college of persons,
 " chosen from among the inhabitants of the Capitol
 " and citadel, to superintend that affair.'

Mention too was made of expiations for having neg-
 lected the *miraculous voice* (heard in the night) which
 gave warning of the approach of the *Gauls*; and a
 temple ordered to be erected to the kind monitor
 (whoever he was) under the name of *Aius Locutius*.

It was likewise decreed, that the gold which had
 been rescued out of the hands of the *Gauls*, and what
 other gold had in the midst of danger and confusion
 been taken out of various sanctuaries and brought into
 that of *Jupiter*, should, inasmuch as it could not be
 distinctly remembered from whence and from whom
 the several parts of the treasure came, be *all* deemed
 sacred, and deposited under the pedestal of *Jupiter's*
 statue.

All these pious regulations did not divert the *Tri-
 bunes of the Commons* from continually exhorting the
 multitude to leave *Rome*, that was nothing but a heap
 of ruins, and remove to the fair city of *Veii*. *Camillus*
 therefore, attended by the whole Senate, repaired to
 the forum, and made a most elaborate speech to the
 people

Camillus, in this speech, insists much on the constant experience
 which the *Romans* had of prosperous or adverse fortune, according
 to their observance, or neglect of religious duties. And he mentions
 some rites of religion, the performance of which was confined to
 certain

Y. of R. people there assembled. His chief arguments were
 364- addressed to their superstition. " Could they find in
 Bef. J. C. " their hearts to forsake *Jupiter, Vesta, Mars, and Fa-*
 388. " ther *Romulus*?" [as if *Jupiter* and *Vesta* and *Mars*,
 32d Mil. and *Romulus*, if spoken civilly to, would not have re-
 Trib. moved from *Rome* to *Veii*, as readily, and in as good
 humour, as *Juno* came from *Veii* to *Rome*.] It is said,
 that his discourse made a considerable impression on the
 multitude; but that what determined them absolutely
 not to remove, was a chance word seasonably spoken.
 For shortly after, the Senate being assembled, in the
Curia Hostilia, to deliberate on this important affair,
 just as *L. Lucretius* (the first called upon, to give his
 opinion) was going to speak, a Centurion, who (as
Livy, B. 5. *Plutarch* relates it) came with his company to relieve
 c. 55. the guard, was distinctly heard to say, " Ensign, plant
Plut. P. " your colours, THIS IS THE BEST PLACE TO STAY
 145. " IN*." Instantly *Lucretius* and all the Senators ran
 * *Hicman-* out of the Temple, crying aloud, " A happy Omen!
bimus op- " the Gods ^s have spoken, and we obey." The mul-
timè. titude universally approved the notion ^b: All doubt was
 now at an end: No more any mention of *Veii*: *Rome*
forever!

An Interregnum followed the Dictatorship of *Camillus*: For the *Romans* would not suffer the Military

certain places in *Rome*, and could not be transferred elsewhere. This may have been true of some rites. But when our historian makes *CAMILLUS* ask—*Where can the COMITIA CURIATA, for military affairs, be AUSPICIOUSLY held but in the usual place? Shall we transfer them to VEII?* he seems to have forgot, that by his own account, *CAMILLUS* had been recalled from banishment, and appointed to the dignity he then held, by the people in *Comitia Curiata*, held at *VEII*: and this in conformity to a decree of the Senate. *Liv. B. 5. c. 46.*

^s *M. Dacier*, on this occasion, observes, that *Cicero* held it to be direct Atheism, to despise or laugh at such omens. *Cic. de Divin. lib. 1.*

^b What the *Centurion* said, if really spoken by chance, or believed so to be, furnished a reason of the same kind with some of those which *Camillus* had employed in the long harangue, given him by *Livy*; and was as good a reason as any of his, for not removing from *Rome*.

Tribunes,

Tribunes, during whose magistracy the city had been Y. of R.
aken, to hold the Comitia for electing new Magistrates. ^{364.}
And no sooner ^{388.} was *Q. Fabius* out of office, than *C. Marcius*, one of the Tribunes of the Commons, summoned him to answer for his conduct (of which the Trib.
onsequence had been so fatal) when ambassador to
he *Gauls*. Sudden death, supposed to be voluntary,
reed him from this prosecution.

Camillus and *P. Cornelius Scipio* performed the office
f Interrex, by turns, for a few days. It fell to the
ormer to preside at the election of Military Tribunes.

§. VIII. THE six new Magistrates were *L. Valerius* Y. of R.
Poplicola, *L. Virginus Tricoftus*, *P. Cornelius Cossus*, *A.* ^{365.}
Annius Capitolinus, *L. Æmilius Mamercinus*, and *L.* ^{387.}
Postumius Albinus. Their first care (after consulting ^{33d Mil.}
he Senate) was to collect the treaties with foreign Trib.
tates, and what remains could be found of the laws ^{Liv. B. 6}
f the Kings, and of the twelve tables, which had been ^{C. 1.}
ritten on brass and fixed up in the *Forum*. Some of
hese were communicated to the Public; but of such
s related to religious worship, the Pontifices made
hemself the depositaries, that they might likewise
e the interpreters of them, and occasionally make
hem serve as a means to keep the populace in reve-
ence and subjection. In making a list of lucky and
nucky days, the fifteenth of the Kalends of *August*,
i. e. the eighteenth of *July*) was particularly marked
mong the latter, as memorable for two unfortunate
attles; that in which the 300 *Fabii* were slain near
ie *Cremera*, and that wherein the *Romans* were de-
ated by the *Gauls* upon the banks of the *Allia*; no
crifices were to be offered, no business done in the

¹ By this passage of *Livy* it would seem, that the same *Military*
tribunes who commanded the army against the *Gauls* at the battle of
e *Allia*, were still in office, when *Camillus* laid down the Dictator-
p; and if so, either they must have held their Magistracy two
ars, or *Camillus* cannot have held the Dictatorship so long as he
represented by the *Capitoline Marbles*, to have done; i. e. part of
e year 363, and all 364.

Y. of R. courts of Justice, no new expedition begun on this day; and so of several others.

^{365.} Bef. J. C. And now the care of all was the rebuilding * of the

^{387.} city. The State furnished tiles, and the People were

^{33d Mil.} allowed to take stone and other materials wherever

^{Trib.} they could find them, giving security to finish their

^{Livy B. 6.} houses within the year. The hurry in which the

went to work made them heedless whether the ground

they built on was their own or their neighbours; each

raised his house where he found an empty space, so that

the common sewers, which before ran under the streets

ran now under the houses. And so little taste had

they for order and beauty, that the city, when re-

built, was even less regular than in the time of *Romulus*:

And though in *Augustus's* time, when *Rome* was

become the capital of the world, the temples, palace

and private houses were more magnificent than be-

fore, yet these decorations could not rectify the fault

of the plan.

* *Plutarch* (in *Cam.* p. 145.) tells us, that among the ruins of the city, and under a heap of ashes, was found *Romulus's* augural staff unburnt: And that this was looked upon to portend the everlasting preservation and prosperity of the *Roman* state.

THE

ROMAN HISTORY.

THIRD BOOK.

From the Year of Rome 365, when the CITY was REBUILT, after the burning of it by the GAULS, to the Year 489, when the ROMANS, having subdued ALL ITALY, began the first PUNIC or CARTHAGINIAN WAR.

CHAP. I.

§. I. *The Hettrurians, Æqui, Volsci, Latines, and Hernici, all the nations bordering upon the Roman State, combine to take advantage of its weak condition. CAMILLUS, appointed now the third time to the Dictatorship, raises a numerous army, which he divides in several bodies for different services. He marches in person, with one part of the troops against the Volsci, forces their camp, and subdues that People: after which he takes the capital city of the Æqui, and recovers Sutrium from the Hettrurians.* §. II. *The next year (when the Commonwealth is again governed by Military Tribunes) the Roman arms prosper abroad. The year following is a year of peace. Four new Tribes are added to the twenty one.* §. III. *The expectation of a new war makes the Romans chuse Camillus to be one of the six Military Tribunes for the next year. He leads the Roman troops first against the Volsci of Antium, and then against the Hettrurians; and has success in both expeditions. The Latines and Hernici submit.*

V. of R. §. I. **R**OME, arising as it were out of her own
 365. ashes, appeared once more a city. But
 Bef. J. C. scarce did her citizens begin to take breath, when new
 387. wars called them again into the field. The *Hetrurians*,
 39d Mil. the *Æqui* and the *Volsci*, all near neighbours of *Rome*,
 Trib. and of course her enemies, made a league to oppress
 Livy, B. 6. her before she had recovered her strength. Nay, the
 §. 2. *Latines* and *Hernici*, who had long been allies of the
Roman People, engaged in this design. The *Romans*
 seem to have lost their empire when the seat of it was
 destroyed, and to have had most of the same conquests
 to repeat, as after the expulsion of *Tarquin the Proud*,
 and the first establishment of the Commonwealth.

Plut. Life In this distressful situation the Republic had recourse
 of Cam. p. to a General, always superior to dangers and difficul-
 145, 146. ties. *Camillus* was a third time named Dictator. Im-
 Livy, B. 6. mediately he summoned the citizens to take arms,
 §. 2. without excepting even the old men. He divided the
 new levies into three bodies, caused one of them to
 encamp under the walls of *Rome*, appointing *A. Man-
 lius* to command it: the second he ordered into the
 neighbourhood of *Veii*, under the conduct of *L. Æmi-
 lius*, to watch the motions of the *Hetrurians*: and he
 led the third himself against the *Volsci*. His very name,
 and the report of his march, filled the enemy with
 terror; they now thought no more of conquest; their
 whole study was how to avoid being conquered; they
 shut themselves up in their camp, which they fortified
 with a strong palisade of stakes, and a barricade of
 trees. *Camillus* having observed the nature of their
 fortification, caused his soldiers to throw fire in great
 quantity against it. The fire, made fiercer by a brisk
 wind, that chanced to rise, and blow the flame and
 smoke full upon the camp, presently destroyed the
 wooden fence, and put the soldiers into such a conster-
 nation, that they rushed out in crowds, and fell into
 the hands of the *Romans*, who made a terrible slaughter
 of them. *Camillus* then sent to extinguish the flames,
 in order to save the booty, with which (as he had taken
 the

camp by assault) he rewarded his army; a bounty so much the more agreeable, because unexpected from the Dictator, who had never been known to be over liberal on these occasions. Pursuing the routed enemy in their flight, he ravaged the whole country of the *Volsci*, and at length entirely subdued that untractable People, after they had harassed the Republic with continual hostilities for more than 107^a years. From the *Volsci* he next turned his forces against the *Æqui*, and by assault made himself master, not only of their camp, but of their principal city, *Bola*. In the mean time almost all *Hetruria* had taken arms, and was now engaged in the siege of *Sutrium*, a town in alliance with *Rome*. *Camillus*, by order of the Senate, marched to its relief. The place had capitulated before he came, and the inhabitants had obtained nothing but their lives and the clothes on their backs. In this destitute condition they were going to seek new habitations, when *Camillus* met them, bade the women dry up their tears, and promised to transfer their sorrows to the enemy. His promise he performed: for the *Hetrurians*, secure after their victory, and wholly employed in plundering, had left the gates of *Sutrium* open, and without guards. He came upon them by surprize, slew many, and made an incredible number prisoners. The *Sutriti*, before night, found themselves again in possession of their city, which had thus been twice taken in one day.

This expedition ended, the great *Camillus*, victorious in three wars, in one and the same year, entered *Rome* triumphant.

With part of the money raised by selling the *Hetrurian* captives, (after they had been led before his chariot) the *Roman* Ladies were paid the value of the jewels they had formerly lent to the State: and with the re-

^a So the critics say we should read, instead of 70, as it is in *Livy*, there being from the year 258, when the war was renewed against the *Volsci* in the Consulate of *Ap. Claudius* and *P. Servilius* to this time 107 years. We find that *Tarquin the Proud* made war with the *Volsci*. And we shall find presently that all the *Volsci* were not now subdued.

mainder the Senate bought three vases of gold, which, with *Camillus's* name inscribed on them, they placed at the feet of *Juno* in the temple of *Jupiter*.

Y. of R. § II. UNDER the six new Military Tribunes of
366. the following year affairs prosper'd abroad: They ravaged the country of the *Æqui*, and took two cities, *Cortuosa* and *Contenebra* from the *Hetrurians*.

Bef. J. C. 386. The *Romans* being at this time in a humour for
34th Mil. Trib. building, the capitol was now rebuilt (or repaired) with square stone, and with so happy an execution, as to be thought worthy of admiration, even in the reign of *Augustus*.

Livy, B. 6. While the People were busied in this sort of works
c. 5. publick and private, the Tribunes of the Commons endeavoured to revive the old quarrel about the *division of the conquered lands*, on occasion of the *Pomptin* territory, for which the *Romans* and *Volsci* had long struggled, and which, after the Republic had got possession of it, the *Patricians* had appropriated to themselves. But the time was ill chosen for making a bustle about this affair, because the minds of the Commons were so intent on building, that they did not much frequent the Forum; and, besides, they were almost quite drain'd of their money, and had not enough left for the expence of cultivating new farms, and stocking them with cattle. They took little notice therefore of the harangues of their Tribunes. The Military Tribunes for this year, upon some scruple concerning the validity of their election, voluntarily laid down their offices, and after a short *Interregnum* six new ones were chosen, whose year being a year of peace was spent in works of peace.

Y. of R. 367. To the twenty one tribes were added four new ones,
Bef. J. C. 385. *Stellatina*, *Tromentina*, *Sabatina* and *Arniensis*.
35th Mil. Trib. §. III. THE expectation of a war induced the cen-

* T. QUINCTIUS,
L. SERVILIUS, a fifth time,
L. JULIUS,
L. AQUILIUS,
L. LUCRETIVS,
Ser. SULPICIUS.

† L. PAPIRIUS,
C. SERGIUS,
L. ÆMILIUS, a second time,
L. MENENIUS,
L. VALERIUS, a third time,
C. CORNELIUS,

turies

turies to chuse * *Camillus* to be one of the Military Tri- Y. of R.
 bunes for the next year. They gave him, for his Col- 368.
 legues, † *Ser. Cornelius*, † *Q. Servilius*, *L. Quinctius*, Bel. J. C.
L. Horatius and *P. Valerius*, all men of moderation, 384.
 who knew how to do themselves and *Camillus* justice. 36th Mil.
 In full Senate they transferred their authority into his Trib.
 hands, and left to him the sole management of the war, * A 4th
 so that he was in effect Dictator. The Republic had † a second
 designed to turn her arms against the *Hetrurians*; but † A sixth
 this design was altered upon the news, that the *Antiates* time,
 † had entered the *Pomptin* territory in arms, and obliged Livy, B. 6.
 the *Romans* who had taken possession of it to quit it. † c. 6.
Camillus allotted to each of his Collegues an employ- † i. e. The
 ment suitable to his rank, and joined *Valerius* with him- *Volsci* of
 self in the command of the army which was to march *Antium*.
 against the *Antiates*: but *Valerius* refused to be upon an
 equal foot with *Camillus*, No, (said he) you shall be my c. 7.
 Dictator, and I will serve under you as your General of the
 Horse. The *Latines* and *Hernici* had joined the *Anti-*
ates near *Satricum*: So that the Roman Soldiers, when
 they came within sight of the enemy, were terrify'd at
 their numbers, which *Camillus* understanding mounted
 his horse, rode through the ranks, put his men in
 mind, that these were the same *Latines* and *Volsci* whom
 they had so often vanquish'd, and that he was the same
Camillus who had led them so often to victory. He c. 8.
 then dismounted, took the next standard bearer by the
 hand, and led him towards the enemy, crying out at
 the same time, *soldiers advance*. A battle ensued, in
 which the enemy were entirely overthrown. The *La-*
tines and *Hernici* separated from the *Volsci* and returned
 home. The *Volsci* fled for refuge to *Satricum*: *Camil-*
lus came before it and carried it by assault. He then c. 9.
 left his army under the command of *Valerius*, and re-
 turned to *Rome* to solicit the Senate's consent, and get
 things necessary for undertaking the siege of *Antium*.
 While he was proposing this affair to the *Conscript Fa-*
thers, Deputies arrived from *Nepete* and *Sutrium* (cities
 in alliance with *Rome*, and that were, in a manner, its
 bulwark, as well as the keys of *Hetruria*) demanding
 succours

Y. of R. succours against the *Hetrurians*. The Senate ordered
 368. *Camillus* to their relief, and assigned him those troops
 Bef. J. C. which *Servilius* had commanded in *Rome*, and kept in
 384. readiness in case of an exigence. He marched, came
 36th Mil. before *Sutrium*, found it almost taken, and preserved it.
 Trib. *Nepete* had surrendered voluntarily to the *Hetrurians*,
 the greater part of the inhabitants being better affected
 Livy B. 6. to them than to the *Romans*. The recovery of this
 c. 10. place seemed therefore a work of greater difficulty. However, he took it at the first assault, and having put the garrison to the sword, condemned the Authors of the revolt to die by the axes of the *Lictors*.

Camillus before the end of this year called the *Latines* and *Hernici* to account for their late conduct. The Magistrates of those nations alledged, that the reason of their not aiding the *Romans*, was the necessity they had been under to keep their troops at home to defend their own country; and that as to the assistance which some of their People had given to the enemies of *Rome*, they had done it without authority, and had been punished for their fault; not one of them having returned safe home. These excuses were not satisfactory, but the Senate readily admitted them, being unwilling at this juncture to multiply the enemies of the Commonwealth.

CHAP. II.

§. I. *M. Manlius (who saved the Capitol) uses such Methods to make himself popular, as alarm the Senate. They name a Dictator, who commits him to prison, and presently after resigns his office. The Senate fearing the rage of the People, who are devoted to Manlius, set him at liberty.* §. II. *Camillus is chosen one of the Military Tribunes for the next year. Two of the Tribunes of the Commons impeach Manlius of treason, and, by sentence of the People, he is thrown headlong from the Tarpeian Rock.*

§. I. IN

§. I. **I**N the following Magistracy of six ^b Military Y. of R. Tribunes, a dangerous war abroad and a more ^{369.} dangerous sedition at home distressed the Republic. ^{Ref. J. C.} The *Volsi*, joined by the *Latines* and *Hernici*, who had ^{383.} revolted from *Rome*, commenced the war: the sedition ^{37th Mil.} Trib. had for its author a *Roman* of high birth, consummate ^{Livy, B. 6.} bravery, and illustrious fame. *Marcus Manlius* (who ^{C. 11.} saved the Capitol) though he had pride enough to despise ^{Plut. in} all the other great men of *Rome*, yet envied one: He could ^{Cam. p.} not bear to see *Camillus* so distinguished, as if he alone were fit for the Supreme Magistracy and the command of the army. “ This exalted man looks down upon his “ Colleagues, as his ministers, forgetting that he and “ they were elected under the same auspices. What “ ground for all this arrogance? Could he have re- “ covered *Rome*, if I had not first saved the *Capitol*? “ He came by surprise upon the *Gauls*, when employed “ in receiving the gold, and secure in the treaty of “ peace; I had to do with men armed, and just upon “ the point of taking the Citadel: Every soldier of his “ army had a share in the glory of his exploit; but I “ had no companion in my victory.”

It is said that *Manlius*, by such speeches gave vent to his envy; and that not finding his merit prized by the Nobles suitably to his own idea of it, forsook that party, concerted measures with the *Tribunes of the Commons*, and set himself to court the multitude. Not content with renewing the proposal for *distributing the conquered lands*, he made himself the advocate and protector of such *Plebeians* as were oppressed with debt. Nothing could be more popular at this time than a warm concern express'd for insolvent debtors; because most of the lower People had been forced to borrow money, to rebuild their houses. The Senate, alarmed at the proceedings of *Manlius*, thought it necessary to create a

^b A. MANLIUS, a second time,		L. QUINCTIUS,
P. CORNELIUS, a second time,		L. PAPIRIUS, a second time,
T. QUINCTIUS,		C. SERGIUS, a second time.

Dictator,

Y. of R. Dictator, who by his absolute power might be able
 369. to crush the rising faction; and the war with the *Volsci*
 Bef. J. C. (now strengthened by the *Latines* and *Hernici*) furnish-
 383. ed a plausible pretence for this creation. The Dictator-
 37th Mil. ship was given to *A. Cornelius Cossus*, who named *T.*
 Trib. *Quinctius Capitolinus* to be general of the Horse.

CORNELIUS, though he saw he should have greater difficulties to struggle with at home than abroad; yet, whether it were, that the business of the war was more than ordinarily urgent, or whether he thought that a victory in the field would add weight to his authority of Dictator, when he should have need to exert it in the city, he made his levies with all expedition, marched away, and came to a battle with the *Volsci*,
 Livy. B. 6. in the *Pomptin Territory*. Before the action began, he
 c. 12. told his men, that the omens were so favourable as to leave no room to doubt of success. He bade them lay their javelins down at their feet, keep together in close order, and without stirring sustain the enemy's first charge; in whose eyes, when they advanced in disorder (after spending their darts in vain) they should make their swords glitter, and every man call to mind that there were Gods who fought for the *Romans*. He directed *Quinctius* to restrain the ardor of his cavalry till the infantry were engaged in fierce conflict, and then to fall on. Both horse and foot observed his injunctions; and the *Volsci*, though much more numerous than the *Romans*, yet not being so well conducted, suffered a total defeat. Among the prisoners were found many considerable men of the *Latines* and *Hernici*, who, being examined, confessed they had acted by authority; so that it was no longer a doubt whether those two Nations had revolted.

c. 14. The Dictator hereupon kept his army in the field, believing assuredly that he should be directed to carry the war into their countries; but a more pressing affair obliged the Senate to send for him home. For *Manlius*, not by invective speeches only, but by deeds of an exemplary generosity, had raised against the Nobles, guilty of excessive usury, such a spirit of anger in the
 Commons,

Commons, as seemed not easy to be laid. One day Y. of R. seeing a centurion, who had distinguished himself by 369. many gallant exploits in war, and whom, his person Bef. J. C. being taken in execution of a judgment upon an action 383. of debt, they were carrying through the Forum to the 37th Mil. creditor's prison, he ran hastily, attended by a numerous company of his clients and other followers, and, laying fast hold of the debtor,—“ Oh the pride of these “ Patricians! the cruelty of these usurers!—so brave “ a man! so unsuitable a fortune!—In vain did this “ right hand preserve the *Capitol*, if I am to behold my “ fellow-citizen, my fellow-soldier, just as if he had “ fallen into the hands of the victorious *Gauls*, a “ wretched captive carried into slavery.” Then, in the presence of all the people he freed the debtor, by paying, in legal form, the whole debt to the creditor. The Centurion called upon Gods and men to reward his generous benefactor, *The father of the Commons of Rome*! and being now admitted into the tumultuous train, he contributed not a little to increase the tumult. Shewing the scars of the wounds, he had received, in the *Veientan*, *Gallie*, and other wars—“ I was forced “ to borrow money for the expence of attending the “ service, and to rebuild my house. The amount of “ the principal I have paid over and over again in interest; interest so heavy and oppressive that I could never emerge out of debt; it was usurious extortion “ that overwhelmed me—That I now partake of the “ common light, that I am permitted to see the Forum, “ the faces of my fellow-citizens, these are the pure “ effects of *Marcus Manlius*'s bounty. From him I “ have received all the benefits that a son can receive “ from a parent; and to him therefore I devote my “ body, my life, all that remains unspilt of my blood. “ Whatever ties I have to my country, to the Gods of “ my country, to my household-gods, those same ties “ fasten me inviolably to *that one man*.” Both the nobleness of the act and the effusion of praise and gratitude from the person obliged, made so strong an impression on the multitude, that they were already disposed

Y. of R. posed to attach themselves, like the Centurion, to *that*
 369. *one man*, when he did another thing, which was still
 Bef. J. C. better imagined, to turn their heads quite, and to
 383. throw all things into confusion *. Having, in the ter-
 37th Mil. ritory of *Veii*, a farm, the chief part of his estate, he
 Trib. caused the public cryer to notify the sale of it—"No,
 " *Romans*, whilst I have any thing left, I will never
 " suffer, that any one of you be cast into the prison of
 " his creditor." Nor did he stop here in his endea-
 vours to make himself popular, and to alienate entirely
 the hearts of the commons from the Senate. In as-
 semblies which he held in his own house (in the citadel)
 he confidently gave out, that the Senators, not content
 with being the sole possessors of those lands, which
 ought to have been divided equally among all the citi-
 zens, had concealed, with an intent to appropriate it to
 their own use, the gold which was to have been given
 to the *Gauls*, and which had been raised by the volun-
 tary contributions of all the citizens who were then in
 the Capitol: a treasure which alone would be sufficient
 to discharge all the debts of the poor *Plebeians*. And
 he promised to shew them in due time, where this trea-
 sure was hid: So pleasing a prospect as that of every
 man's having his debts discharged, took up all the at-
 tention of the People; their whole care was to draw
 those riches out of the hands of the *Patricians*.

c. 15.

Things were in this situation when the Dictator re-
 turned to the city. Having agreed with the Senate
 upon the measures to be taken, he went to the Forum
 accompanied by the Fathers, and a great number of
 other *Patricians*, ascended his Tribunal, and sent a lic-
 tor to cite *Manlius* to appear before him. *Manlius* did
 not disobey the summons, but making all his adherents
 follow him, he approached the Tribunal with so nu-
 merous a guard, that the Assembly looked like two
 armies ready to join battle. Silence being made, the
 Dictator

* ——— addita alia commotioris ad omnia turbanda consilii
 res. Fundum in *Veienti*, caput Patrimonii, subjecit præconi: ne
 quem vestrum, inquit, Quirites, donec quicquam in re mea super-
 erit, judicatum, addictumque duci patiar. c. 14.

Dictator spoke thus: "I heartily wish, *Manlius*, that I Y. of R.
 "and the Senate could in every thing agree with the ^{369.}
 "Commons of *Rome*, as readily as I trust we shall do ^{Bef. J. C.}
 "in what concerns you, and the matter I am going to ^{383.}
 "question you upon. You have been heard to say, ^{37th Mil.}
 "that some of the principal Senators have secreted the ^{Trib.}
 "gold that was designed for the *Gauls*, and that this
 "fund alone would be sufficient to discharge all the
 "debts. I am so far from desiring to hinder such an
 "extraordinary benefit to the Commons, that I exhort
 "you earnestly to ease them of that burden of usury
 "they labour under, and to name the men who have
 "stolen and concealed this important treasure. But if
 "you do not instantly name those robbers of the pub-
 "lic, be assured that I shall without delay send you to
 "prison, as an incendiary and a slanderer; for I will
 "not suffer you any longer to deceive the People with
 "vain hopes."

Manlius answered, "I find I was not mistaken in
 "my opinion, that the Dictator was created, not to act
 "against the *Volsci*, but against me, and the *Commons*
 "of *Rome*. He openly espouses the cause of the Ufu-
 "rers, and I am to be destroyed on account of the
 "affection which the people bear me. Does it indeed
 "offend you, *Cornelius*, and you, *Conscript Fathers*, to
 "see the crouds that attend me? Why don't you en-
 "deavour to share their affection with me? Why don't
 "you relieve the poor citizens who are quite sunk and
 "overwhelmed with debt? Pay for some, answer for
 "others, supply their necessities out of your super-
 "fluities: Nay, without bestowing any thing upon
 "them of what you possess, do but deduct from the
 "principal sums what you have received for interest.
 "You will then see, that my train of followers will be
 "no greater than any of yours.—But why is *Man-*
 "*lius* (say you) the only man who thus concerns him-
 "self for the citizens? You may ask me too, why I
 "was the only man who saved the Capitol? As I then
 "exerted myself for all in general, so now I am ready
 "to give my help to every *Roman* in particular. As to
 "the

Y. of R. " the secreted treasure, you put a question to me which
 369. " you can better answer yourselves. The very de-
 Bef. J. C. " mand makes that difficult which would otherwise
 383. " have been easy. The more you press me to declare
 37th Mil. " the place where the gold is hoarded, the more rea-
 Trib. " son I have to believe that you have removed it, and
 " hid it beyond the reach of the most curious enquiry.
 " Am I to reveal where your thefts are concealed ? or
 " ought not you rather to be compelled to bring them
 " forth ?" At these words the Dictator commanded
 him to give over his evasions and subterfuges, and go
 directly to the proof of his charge, or else to confess be-
 fore all the People that he had slandered the Senate. To
 this *Manlius* replying, " That he would not speak at
 the pleasure of his enemies," he was immediately
 ordered to prison. When the Lictors laid hold of him,
 he cried out, " O *Jupiter*, most beneficent, most mighty ;
 " O *Juno*, Queen of Heaven ; O *Minerva*, and all ye
 " other Gods and Goddesses who reside in the Capitol,
 " will you suffer your Champion and Defender to be
 " thus treated by his enemies ? Shall this right hand
 " with which I drove the *Gauls* from your sanctuaries,
 " be manacled and locked in chains ?"

We have on this occasion a surprizing instance of the ready submission of the *Romans* to the commands of a lawful Magistrate. The People, tho' seditiously devoted to *Manlius*, made not the least motion to hinder the execution of the sentence ; not an angry expression was heard, nor a threatening look seen in the whole Assembly. His adherents and abettors expressed their concern only by habits of mourning, neglecting to cut their hair and beards, crowding about the prison door, and there lamenting his misfortune.

In this time of the People's affliction *Cornelius Cossus* had a triumph for his victory over the *Volsci*. The multitude expressed nothing but a deep dejection on that day of joy. Some were heard to say, that the Dictator triumphed over a citizen, not over the enemy ; that the chief ornament of the show was wanting ; and that to gratify the Victor's pride *Manlius* should have been

been led before his chariot. The Senate, to sooth and pacify the People, decreed of their own motion to send a colony of *Romans* to *Satricum*, and allotted to every man two acres and a half of arable land. But this expedient proved ineffectual. So soon as the Dictatorship of *Cornelius* was expired, and the People freed from the dread of an uncontrollable Magistrate, the discontent of *Manlius's* party began to grow into open sedition. Some reproached the multitude in public discourses, "That it was their custom to exalt their Protectors to high and slippery stations, and then to forsake them in the very moment of danger and downfall: That *Sp. Cassius*, the first who proposed the Partition of the Lands; that *Mælius*, who in a famine generously fed the People at his own expence, had both of them been abandoned and destroyed; and that now *Manlius*, for endeavouring to free the poor debtors from slavery, was given up to his mortal enemies. It is a shame to see a Consular thus treated, merely because he did not answer at the nod of the Dictator. Suppose him to have invented a story, and therefore not to have an answer ready, was it ever known that even a servant was put in irons for only telling a lie? Call to mind that fatal night when the *Gauls* climb'd up the *Tarpeian* cliff, and when *Manlius* all covered with sweat and blood rescued, in a manner, even *Jupiter* himself out of the hands of the enemy. Do you think that half a pound of meal was a sufficient reward for the preserver of our country? Will you suffer a man whom you have almost equalled to *Jupiter*, by giving him the surname of *Capitolinus*, to drag on a miserable life in a dungeon, and draw his breath at the pleasure of a Jailer? Was one man able to preserve all, and shall not all be able to succour one?" Discourses like these were frequently repeated, and the People surrounding the prison day and night threatened to break it open. The Senate, fearing lest the multitude in their fury should execute what they threatened, made a Decree for his release: but they did not thereby put an

Y. of R. end to the sedition, they only gave the seditious a leader.
 369. During these commotions Ambassadors arrived from
 Bef. J. C. the *Latines* and the *Hernici*, as also from the cities of
 383. *Circæi* and *Velitræ*, demanding releasement of the pri-
 37 Mil. soners taken in the last action when the Dictator *Cossus*
 Trib. defeated the *Volsci*. The Ambassadors of the former
 were received (tho' their demand was rejected) because
 those Nations had been only allies of *Rome*; but the
 Ambassadors of the latter were ordered immediately to
 depart, and not appear before the People, because those
 cities had been upon the foot of *Roman Colonies*. The
 former enjoy'd their own laws; the latter were subject
 to the laws of *Rome*, and had therefore no right to
 send Ambassadors.

Liv. B. 6. §. II. WHEN new Magistrates came to be elected
 c. 18. for the next year, the Centuries chose *Camillus* Military
 Y. of R. Tribune a fifth time; and with him they joined * *Ser.*
 370. *Cornelius*, † *P. Valerius*, † *Ser. Sulpicius*, *C. Papirius*
 Bef. J. C. and *T. Quinctius*. The confidence of *Manlius* was
 382. now much encreased by the timorousness of the Senate,
 38 Mil. and the remissness of *Cossus* in not punishing him as a
 Trib. former Dictator had done *Malius*. And the poor Ple-
 * A3dtime. beians entertained the hope, that under such a leader
 † A2dtime. they should be able to get usury abolished. *Livy* gives
 § A2dtime. us a long speech (doubtless of his own making) as
 spoken by *Manlius*, in an assembly held at his house in
 the citadel. The substance of the discourse is an ex-
 hortation to the Plebeians "to free themselves from
 "the burthen of their debts, and the tyranny of the
 "Patricians, by exerting their natural superiority of
 "strength, and assuming the ascendant. — No more
 "Dictators — No more Consuls — I declare myself the
 "PATRON of the Commons of *Rome*: My steady con-
 "cern for their Interests has already fixed upon me
 "that Title. If you are willing to bestow a higher
 "upon your leader, it will enable him to assist you
 "more effectually in the accomplishing of what you
 "desire." *Livy* adds, "It is said, that from this
 "time was set on foot a project for restoring king-
 "power; but it is not clearly said, how far it went
 "not

nor who were the projectors." In the debates of Y. of R. the Senate, alarm'd at the cabals held at a private ^{370.} man's house, a house too in the citadel, many of the ^{Bef. J. C.} *patres* declared loudly, "That the Commonwealth ^{382.} stood in need of another *Servilius Abala*, who by ^{38 Mil.} one stroke should rid her of a bad Citizen, and re-^{Trib.} store the publick safety and tranquillity." And tho' ^{Livy, B. 6.} the resolution of the Assembly was, in *words*, more gentle, it was, in *effect*, not less violent: for by an order to the MILITARY TRIBUNES to take care, that the Commonwealth suffered no detriment from the pernicious projects of Marcus Manlius, they impowered them to do as *Abala* had done. And now these Magistrates, and the Tribunes of the Commons (for the latter, foreseeing that the loss of their dignities would soon follow that of the publick liberty, had given themselves wholly to the Senate) consulted together upon the proper measures to be taken in the present exigence: and when they were at a loss, no one having proposed any better expedient than *Assassination*, which yet in all appearance would occasion a dangerous conflict, *M. Manius* and *Q. Petillius*, both Tribunes of the Commons, started a new thought: "Why do we make that to be a strife between the SENATE and the COMMONS, which ought to be a war of the whole State against one pestilent Citizen? Why should we attack him united with the Commons, when we may more safely attack him by the Commons themselves? We purpose to appoint him a day to appear in judgment. Nothing is more odious to the People than royalty. And when the multitude shall see, that there is no contest with them; that they are made JUDGES in the cause; that the accusers are Plebeians, the accused a Patrician, and the crime, charged, *aspiring to be King*; they will unquestionably shew, that there is nothing they regard with so true a tenderness, as their liberty."

This advice being unanimously approved, they no-^{c. 20.} tified to *Manlius* a day for his appearance [before an Assembly by Centuries.] The Plebeians were at first much affected to see him going about in a dress of mourning

Y. of R. mourning to solicit favour ; not one Senator, nor any
 370. of his kindred, not even his brothers, *Aulus* and *Titus*,
 Bef. J. C. accompanying him ; a thing the like to which had
 382. never happened before. Whence it is evident that there
 38 Mil. was a combination of all the *Patricians* to oppress him,
 Trib. because he was the first of his family who had fallen off
 Liv. *ibid.* from their party to espouse the cause of the *Plebeians*.

When the day of trial came, his accusers charged him with holding private assemblies and with seditious words, ill meant liberalities, and slandering the Senate [with relation to the gold.] But *Livy* tells us, that he could not in any Author find, what direct proofs the Tribunes brought of *Manlius's* aspiring to the regal power. However, he supposes that sufficient proofs they had, since nothing but the circumstance of the place where he was tried (which was the *Campus Martius*) hindered his immediate condemnation.

Manlius is said to have produced near 40 citizens for the payment of whose debts he had advanced money, without interest, thereby recovering their effects which had been seized, and keeping their persons out of the prisons of their creditors. He produced two mural crowns [of gold] his rewards for having entered the first into cities taken by assault ; eight civic crowns [of oak-leaves] for having in battle saved the lives of so many citizens, among whom *C. Servilius* (when General of the Horse) was one ; the spoils of thirty enemies, whom he had slain with his own hand in single combat. He then opened his bosom, and shewed it covered with scars, left by the wounds he had received in fight. Looking often to the Capitol he called upon *Jupiter* and the other Gods for help ; and he conjured the People to turn their faces to that sanctuary, and, when they were going to pronounce judgment, to think of the Gods who resided there.

The people touched with the humiliation and distress of a *Roman*, who by his bravery had saved the Republic, and having before their eyes the very place where he had fought so valiantly against the *Gauls*, could not resolve to condemn him. The Military Tribunes plainly

plainly perceiving this, and that unless the multitude were removed to some place, whence they could not see the Capitol, they would never give sentence against the accused, deferred the decision of the affair to another day, and appointed the place of the Assembly to be in the *Peteline* wood, without the gate *Flumentana*. Then the object, which had saved *Manlius*, no longer dazzling the eyes of his Judges, he was condemned to be thrown from the Capitol itself; and the theatre of his glory became that of his punishment and shame. Two marks of infamy are said to have been fixed upon his memory; one by public authority, the other by private. The public decreed, that no *Patrician* should henceforward dwell in the Capitol, or the Citadel; and the *Manlian* family came to a resolution among themselves, that no member of it should ever bear the prænomens *Marcus*. Such (says *Livy*) was the end of a man who, if he had not been born in a free state, would have deserved to be remembered with honour by posterity. The multitude very soon regretted the loss of him. Their fear of his ambition being over, they remembered only his virtues: and because a plague broke out at this time without any discernible cause, many of the People ascribed it to the severe treatment of *Manlius*: "The CAPITOL, they said, had been polluted with the blood of its deliverer; and the Gods were offended at the execution, almost in their very presence, of a man, who had rescued their Temples out of the hands of the enemy."

REMARKS on the DEATH of M. MANLIUS.

M. *Dacier* expresses his wonder at "the fantastic humour of the Roman People, who [though fully convinced of the guilt] could not prevail with themselves to condemn the criminal, while they had the CAPITOL before their eyes; yet presently after [without any new offence by him committed] could throw him headlong from that very CAPITOL,"

"PITOL, the fight of which had hindered them from condemning him."

Perhaps the reader may wonder at M. *Dacier's* giving credit to this part of the story; I mean *the Trial and Condemnation of Manlius by an Assembly of the People*: I am well persuaded that *Livy* gave no credit to it, nor to several other particulars which he has so pompously delivered concerning *Manlius*.

L

The public examination (as *Livy* relates it) of *MANLIUS* the year before his death, by the Dictator, *Cornelius Cossus*, is too strong a mark of fiction, to have passed upon *Livy* for history. The Dictator charges *Manlius* with having dangerously^b accused the principal Senators of secreting the gold that was snatched [by *Camillus*] out of the hands of the Gauls. And *Manlius* is represented as making no difficulty to own, that he had so accused them, and that he believes them guilty. Now it is absolutely incredible, that *Manlius* charged the Senators with secreting what every Roman, then living, knew with certainty to have been carried away by the Gauls; that the Gauls, when they marched off, did not go without the ransom-Gold, is made indisputable by *Polybius's* account.

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^a Etrange bizarrerie du Peuple! il ne peut se résoudre à condamner *Manlius* à la vue du Capitole; & un moment après il le précipite de ce même Capitole, dont la vue l'avoit empêché de le condamner. *Dac. Plut. Vie de Cam.*

^b — sermone pleni criminum in patres: inter quos—the *sauros Gallici auri occultari a patribus jecit: nec jam possiderent publicis agris contentos esse, nisi pecuniam quoque publicam auferant. Ea res si palam fiat, exolveri plebem ære alieno posse—indignum facinus videri, quum conferendum ad redimendam civitatem à Gallis aurum fuerit, tributo collationem factam idem aurum ex hostibus capiam in paucorum prædam cessisse.* L. 6. c. 14.

Spem factam à te civitati video, fide incolumi, ex thesauris Gallicis, quos primores Patrum occultent creditum solvi posse. c. 14.

^c N. B. It is not improbable, that *Manlius* did accuse the principal Senators, and *Camillus* among the rest, not falsely but truly, of embezzling (not the gold weighed out for the Gauls, and which the Gauls carried off, but) what remained of the treasure, which the Magistrates had amassed from voluntary contribution, after their paying the sum agreed upon for their ransom. That they were guilty of fraudulent purposes with regard to that remaining treasure, *Livy* furnishes ground to believe, by what he says of their scrupulous scrupulosity, and of the reasons they found for not parting with the gold they had got into their possession. And it is very possible, that the gold properly applied, might have gone a great way towards discharging the debts of the poor *Plebeians*, as *Manlius* is reported to have said.

which

which account *Livy* had before him, though he takes no notice of it.

Indeed the saving of this gold is a point, with which the *Latine* Historian seems to have been much perplexed. Saved it must be; because it was not fit that such a majestic People as the *Romans*, should be redeemed like so many paltry slaves. *Dique et homines prohibuere redemptos vivere ROMANOS. Nam forte quadam, prius quam infanda Merces perficeretur— Dictator intervenit, &c. Lib. 5. c. 49.*

Well, but what became of this gold, so fortunately preserved? Why truly, both *this* (which, in order to avoid a prophane use of sacred treasures, had been collected from the women) and *other gold*, that in the fright and hurry had been taken out of several sanctuaries and brought into the sanctuary of *Jupiter*, were deposited under the pedestal of *Jupiter's* statue.

But why, when all was safe and quiet, were not the women's ornaments restored to them? and why were not the other parcels of gold replaced in the respective sanctuaries to which they belonged? The reason was; It could not be distinctly remembered from whence and from whom the several parts of the treasure came; so it was thought best, that *the whole* should be deemed consecrated to the Gods. [As if the priests could not distinguish the gold of their respective temples, nor the women their own trinkets.] The women, it seems, in reward of their virtue received public thanks; to which the public added an honour. Instead of restoring to them the fineries of their dress, it was decreed, that they should have fine things said of them at their funerals, as the men had ^d.

THAT MANLIUS was convicted before the People, assembled by centuries, of attempting to make himself King of Rome; and that the People condemned him, as guilty of that crime, to be thrown from the Tarpeian Rock, are facts which seem to be as little worthy of belief, as that he accused the Senators of se-

^d Aurum quod Gallis ereptum erat, quodque ex aliis templis inter trepidationem in Jovis cellam collatum, quum, in quæ referri oportueret, confusa memoria esset, sacrum omne judicatum, sub Jovis sella poni jussum. Jam ante in eo religio civitatis apparuerat, quòd, quum in publico deesset aurum, ex quo summa pacta mercedis Gallis conferret, a matronis collatum acceperant, ut auro sacro abstineretur. Matronis gratiæ actæ, honosque additus, ut earum sicut virorum, post mortem solennis laudatio esset. *Lib. 5. c. 20.*

^{it is} *Plutarch* reports that the privilege granted to the women of having funeral orations, was in reward of their giving [he should have said *tending*] their ornaments to make a vase, to be sent to *Delfos*, in discharge of *Camillus's* vow, when he was just going to the assault of *Veii*.

creting gold, snatched [by *Camillus*] out of the hands of the Gauls.

1. For, first of all, *Livy* tells us that he could not in any author find what *direct* proofs the accusers of *Manlius* brought, of his plotting to be King: *Crowds of people about him; seditious words; ill meant liberalities* [largitio;] *flandering the Senate in relation to the gold* [fallax Indicium;] these were all the particulars mentioned by those writers from whom *Livy* borrowed his accounts: yet our Historian *supposes*, that weighty matters were proved against him, because [it is said] the sentence was deferred, not on account of any want of evidence, but merely on account of the place where the criminal was tried * [the field of *Mars*, whence the *CAPITOL* could be seen:] That is to say, IF *Manlius* was certainly tried by the People, and if sentence against him was deferred on account only of the place where he was tried, then it is probable, there was sufficient proof of his guilt. But presently after,

2. Our Historian lets us know that he is not quite sure that *Manlius* was tried and condemned by the People: for after speaking of their passing sentence against him, contrary to their inclination, even when they were in a place from whence the Capitol could not be seen, he adds; *some report that he was condemned by Duumvirs, created to enquire into his treason.* Sunt qui per Duumvirs, qui de perduellione anquirerent, creatos, auctores sint damnatum.

3. As *Livy* by these last words discovers that he did not know certainly before what court *Manlius* was tried; so by what he says in the preceding chapter he seems to allow his reader to believe, that the supposed criminal was never brought to trial before any court whatsoever, but was cut off by an act of meer violence, an act of that absolute power with which the Senate had invested *CAMILLUS* and the other Military Tribunes, on purpose to destroy him. I say, *Livy* seems to intimate this, when he tells us, that the Senate's giving that extraordinary power to the magistrates amounted to the same thing as a reio-

* Quum dies venit, quæ, præter cætus multitudinis, seditiosasque voces, et largitionem, et fallax indicium, pertinentia propriè ad regni crimen, ab accusatoribus objecta sint reo, apud neminem auctorem invenio. Nec dubito haud parva esse, quum damnandi mora plebi non in causa, sed in loco fuerit. C. 20.

N. B. *Manlius's* liberalities to the poor are said to have been *urged against him* as indications of his inordinate ambition. And he, in his defence, is said to have produced 400 citizens, to whom he had advanced money, without interest, to prevent their falling into the cruel hands of their creditors.

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lution to dispatch *Manlius* (as *Abala* had dispatched *Malius*) without any previous form of process !

That they destroyed *Manlius* by casting him down from the *Tarpeian Rock*, may be easily believed, though we suppose no public sentence to have passed against him, specifying that punishment : because his house, where, it is probable, the officers of the magistrates seized him, stood in the citadel, and therefore very near to that rock.

4. To the arguments, above offered, against the pretended trial and condemnation of *Manlius* for plotting to be King, may be added the great unlikelihood, that any *Roman*, not out of his senses, would in those times furnish even the smallest ground or suspecting him of such a plot. Is it not in the highest degree improbable, that *Manlius* should hope to raise himself to a regal throne, by the help of a populace, whom he could not but know to have an hereditary and insuperable aversion to the very names of *King* and *Kingdom* : inasmuch, that the ambition of reigning [*cupiditas regni*] was, with them, the most unpardonable of all crimes ; and for which no kind nor degree of merit could atone. *Livy*, on the present occasion, (as on several others) intimates this to have been the temper and turn of the *Roman People*. *Illud notandum videtur, ut sciant homines, quæ et quanta decora foeda cupiditas regni, non ingrata solum invisa etiam reddiderit. c. 20 :* and then enumerates the worthy actions and heroic exploits of *Manlius*. [See what has been said on this head in the close of Chap. XIV. B. 2.]

BUT if *Manlius* was not guilty of designs against the LIBERTY of his Country, nor of slandering the Senators, what was it that made them so unanimously combine to destroy him ? answer ; His singular merit, his honest zeal for the LIBERTY of his fellow-citizens the poor Plebeian debtors, continually exposed to become slaves to their merciless Patrician creditors ; [Consensu opprimi popularem virum, quod primus a patribus ad plebem decussisset.] His reproaching the Nobles severely in words, and *Livy*, B. 6, more severely by his example, with their rapaciousness, avarice c. 20. and oppressive usury ; and his urging them to do freely and from virtue, what a few years after, they were constrained to do by an act of the legislature, an act passed by the Tribes, in spite of the most vigorous opposition from the Senate, aided by CAMILLUS,

‘ Magna pars [Senatus] vociferantur Servilio *Abala* opus esse qui non in vincula duci jubendo irritet publicum hostem, sed unius civis finiat intestinum bellum. Decurritur ad leniorem mentis lenitiam, vim tamen eandem habentem : ut videant Magistratus, ne vid ex pernicioso consilio M. Manlii respublica detrimenti capias. Lib. 6.

then Dictator, and by a majority (which the Senate had gained over to them) of the Tribunes of the Commons: I mean the LAW, which, to relieve the debtors, deducted from the principal debt whatever sums had been paid for interest. It was but seven years after the death of *Manlius*, that *LICINIUS STOLO* proposed that LAW: which, with two other Laws, he, after a ten years struggle, prevailed to have enacted; much to the benefit of the Commonwealth, as will be seen in the sequel of the story. Whatever appearance of injustice it may have, to make a law on purpose to hinder those, who have fairly lent their money, from exacting what by contract is legally due to them from the borrowers; such a law was absolutely necessary at this time, in order to preserve to the Commons of *Rome* any appearance of freedom. And the very passing of this law, notwithstanding so mighty an opposition made to it, is alone a cogent proof, that the oppression which they suffered was excessive, and the distemper of the state such as required extraordinary and violent remedies. If we consider the words with which *Livy* † Vol. II. furnishes the Centurion *, (whom *Manlius* delivered out of the hands of his creditor) and the speech of *Manlius* †, to the Dictator *Cornelius Cossus*, we shall have a just idea of the miserable condition of the Commons, and of the relief proposed by the brave and generous advocate. For it is evident (as the reader will find) from the following parts of *Livy's* narrative, that it does not make the two speakers exaggerate the grievances of the Commons, or make them say more than was strictly true concerning the cruel oppression which the poor debtors laboured under: and the very remedy proposed by *Manlius* was one of those remedies that, very soon after, were by the legislature judged necessary to be employed.

LIVY and *PLUTARCH* represent the zeal of *Manlius* in behalf of the debtors, as having its source in envy and anger, envy to *CAMILLUS*, and anger against the SENATE, for preferring that rival before him to govern the State and command the army. Doubtless in the year 369, when *Manlius's* popularity was said to have alarmed the Senate, he had just cause to think himself unworthily and injuriously neglected by them. But this neglect of him was not the CAUSE, but the EFFECT of his ZEAL for the poor debtors, will I think appear from the following considerations.

A braver soldier than *Marcus Manlius* the Roman State never produced. The Military rewards which he received from the Generals, under whom he served, are an incontestable proof of it; and in the year 361, two years before his most celebrated exploit of saving the Capitol, he had been honoured with

the Consulship. And yet *after* that important service (in 363) we never see him in any magistracy whatsoever. How shall we account for this? It may easily be granted, that CAMILLUS was superior, in abilities, to *Manlius*, and to every other *Roman* of that time, for *the conduct of an army*; and this may furnish a plausible reason, why the Senate, in pressing and extraordinary exigencies, had recourse to those abilities. But since no less than six persons were every year chosen to the Military Tribuneship (except in the year 364, when the Senate continued *Camillus* in the Dictatorship, that he might hinder the people from removing to *Veii*) and since there had been five elections in the time between the *Gauls* departure and the commotion occasioned by the generosity of *Manlius* in 369, how came it to pass, that a *Patrician* of such high birth, a hero so applauded and extolled at the time of the siege, was never after appointed to be one of the six governing magistrates? His brother, *Aulus Manlius*, who had no merit (that we read of) to recommend him, was nevertheless a Military Tribune in the year 365, and again in 369, the very year in which the Senate created *Cornelius Cossus* Dictator, to quell the commotion raised by the liberality of *Marcus*.

May we not fairly gather from this uninterrupted exclusion of *Marcus* from the Magistracy after the rebuilding of the city, that he began about that time to disoblige *Camillus*, and the other Oligarchs; and that their discontent with him was on account of his compassionate concern, warmly expressed, for the poor *Plebeians*, loaded with debt, and who had lately increased the burthen by borrowing money to build their houses, as *Livy* informs us?

It ought here to be remarked, that the necessity of borrowing money to build, was a necessity to which they were subjected, meerly by the Senate's refusing to let them remove to *Veii*; which removal, after the total destruction of *ROME* by the *Gauls*, would in all appearance have been a very reasonable measure: but it would not have been consistent with the views of the Oligarchs, who were bent upon making to themselves immense estates out of the newly conquered *Veientan* territory.

It is not indeed unlikely, that *MANLIUS* (who unquestionably saved the Capitol) was discontented to see *Camillus* (who unquestionably did not drive away the *Gauls* and save the gold) so distinguished by the Senate, as if he alone was qualified to command an army. And *Manlius* might with the more reason be dissatisfied, as he knew, that *Camillus's* chief merit with the *Fathers* was not his military skill, but his skill and inclination to keep

keep the *Plebeians* in extreme indigence, and thereby in a state of servitude to the *Patrician* usurers. *Livy*, though he seems to have made it a rule to himself, always to speak respectfully of the Senate, yet tells us, "that when the election of Military Tribunes, for the year 354, was coming on, the attention of the *Fathers* to that affair, and their concern for the event, were very near being greater than their care about the war." And yet the *Romans* were at that time engaged in the important siege of *Veii*: And he likewise tells us, "That the Senate, when, in the year 359, by using their utmost efforts, they got *Camillus* into the Military Tribuneship, pretended, that it was to provide the Republic with an able general, but that their real motive was to provide themselves with a magistrate, who would oppose the Tribunes bill for a distribution of the public lands:" so that *Manlius*, who was as compassionate and generous as he was brave, needed not the incitement of ambition or envy to make him displeased with the Senate's throwing so much power into the hands of a man, whose temper and character made him very unfit to be at the helm of a free state.

Just reasons unquestionably there were, why *CAMILLUS*, though an exile on account of male-administration, was by an act of Senate and People recalled from banishment and created Dictator in the year 363, when the *Gauls* invested the Capitol; but the reasonableness of continuing him in the Dictatorship throughout the year 364 may very well be questioned. For it is not evident, that, in this unprecedented step, they had any view to the good of the public; and it is plain beyond a doubt, that they had a view to their private interests: that by the means of *Camillus*, invested with the terrors of absolute power, they purposed to keep the People at a distance from *Veii*, and thereby to hinder them from having their just share of the conquered lands, and likewise from seeing how shamefully the Oligarchs made themselves rich by robbing the commonwealth. For that these were their principal objects appears from the whole thread of the history of these times.

Vol. II.
p. 284.

We have seen that the *Fathers*, when in the year 360, by tears and intreaties and talking much about religion, they had prevailed to have the [very unreasonable] bill, for dividing the

* Jam Comitia Tribunorum Militum aderant, quorum prope major Patribus, quam bellis cura erat. L. 5. c. 14.

† Comitibus Tribunorum Militum patres summa ope evincerant, ut M. Furius Camillus crearetur. Propter bella simulabant parari ducem, sed largitioni tribunicie adversarius querebatur. L. 5. c. 26.

Senate

Senate and People between Rome and Veii, rejected, were in such joy for their victory, that, the next morning, they passed a decree for assigning to every freeman of *Rome* seven acres of the lands of *Veii*. Doubtless this decree, though represented by *Livy* as an act of voluntary bounty, when joy had opened and dilated the hearts of the Senators, (not apt to such effusion of goodness) was made in performance of a promise, by which they had gained a majority of the Tribes to vote against the bill in question. And there is some reason to doubt, whether they ever put the decree in execution. And, if they did, it would seem, that they very soon got the land back again out of the hands of the poor *Plebeians*, and probably in satisfaction of interest for money they had lent to those *Plebeians*. For *Livy* introduces one of the Tribunes, in that long contest which began about thirteen years after this notable bounty, expostulating with the principal Senators, *How they could have the confidence to desire that every one of them might be allowed to possess more than 500 acres of land, while no more than two acres was allowed to each Plebeian* ! ?

To return to CAMILLUS: He was again created Dictator in 365 ; and Military Tribune (for the fourth time) in 368, and again in 370, and invested with absolute power, purposely to destroy MANLIUS. Though *Camillus* had five Collegues, *Plutarch* represents him as principal in the prosecution, and as the Magistrate who removed the Assembly to a place whence the Capitol could not be seen: Which makes *M. Dacier* ask, " But why was *Camillus* so eager to get *Manlius* condemned, " a person of such eminent merit, and who had served so well ? " Why did he not leave that melancholy honour to his Collegues ? " He adds, " *Livy*, to avoid throwing all the odium " of the action upon *Camillus* alone, says, *That the* [Military] " Tribunes, perceiving the effect which the sight of the Capitol " produced *, &c.

M.

[†] *Auderente postulare, ut quum bina jugera agri plebi dividerentur, ipsis plus quingenta jugera habere liceret ? Ut singuli prope trecentorum civium possiderent agros, plebeio homini vix ad tectum necessarium, aut locum sepulturæ, suus pateret ager ? Liv. L. 6. c. 36.*

And, in lib. 6. c. 21. *Livy* informs us, that the Senate (in the year 371, just after the murder of *Manlius*) to engage the People's consent to a declaration of war, passed a Decree for dividing the *Pomptin Territory* among them. Yet we do not find, that this was done till many years after the Decree.

* Mais pour quoi *Camillus* poursuivoit-il avec tant d'ardeur la condamnation de *Manlius*, d'un homme de ce mérite & qui avoit si bien servi ?

M. Dacier might have found perhaps a satisfactory answer to his question, if he had attended to what *Plutarch* says in his comparison of *Camillus* with *Themistocles*. The biographer, though he sometimes extols the *Roman* hero to the skies, yet leaves it doubtful, “Whether it was the love of liberty and
“ of his country, that made him prosecute *Manlius* to death,
“ or whether his hatred to *Manlius* was not owing to a secret
“ jealousy of a rival, illustrious by many noble exploits, and
“ especially by that of saving the *Capitol*; whence he acquired
“ the surname of *Capitolinus*.”

But, without having recourse either to *Amor Patriæ*, or to any supposed jealousy of a rival for military Glory, it would seem that we may well account for *Camillus*’s being the chief actor in the destruction of *Manlius*. This humane, generous, noble spirited hero, by his civil and social virtues, reproached, eclipsed and dishonoured the invincible *Camillus*; and, by patronising the cause of the distressed *Plebeians*, opposed the gratification of his (seemingly ruling passion) avarice.

Dr. Midd. A late celebrated author observes, “That the writers of par-
Pref. to “ ticular lives are apt to be partial and prejudiced in favour of
Life of Cæ. “ their subject, and to give us a *Panegyric*, instead of a *History*”
p. xvi. —and that “this seems to flow from the nature of the thing
“ itself, where the very inclination to write is generally ground-
“ ed in prepossession, and an affection already contracted for
“ the person whose history we are attempting; and when we
“ sit down with the disposition of a friend, it is natural for us
“ to cast a shade over his failings, and to give the strongest co-
“ lourings to his virtues.”

Perhaps there is not a more striking instance of the truth of what is here said, than *PLUTARCH*’s *Life of CAMILLUS*. It abounds with indications of an extreme partiality. He extols the only good action (recorded) of his hero, greatly beyond its merit; and discovers a most friendly disposition to believe, that he never did any thing wrong.

Certainly it required no extraordinary elevation of soul, nor any thing beyond common prudence and policy, and a moderate sense of honour, to act as *Camillus* did, with relation to the school-master of *Falerii*. It was one of those parts of conduct, the performance of which does not render a man so praiseworthy, as the non-performance of them renders him infamous. Yet from *Plutarch*’s admiration of the deed, one would ima-

servi? Que ne cedit il ce triste honneur à ses collègues? Aussi *Titus Live*, pour ne pas faire tomber toute la haine de cette action sur *Camillus* seul, dit Que les *Tribuns* étant apperçus de l’effet que cette vue produisoit, &c.

gine

gine it to be something so glorious as not to be looked at, without having the eyes of our minds dazzled with its brightness.

CAMILLUS was, by the Roman People, thought guilty of Vol. II, *impious vanity*, when with his *face painted red*, and in a chariot p. 276. drawn by *white horses*, he rode in triumph for the conquest of VEII. What says our biographer to this? Why truly he is of opinion, "That we may reasonably presume, the Gods would not have showered down so many favours upon *Camillus*, if he had really offended them by any impiety."

But did not *Camillus* embezzle and appropriate to his private use some of the wealth belonging to the public? Of this he was accused; and he was cited to appear in judgment before the People to answer the charge. Neither the principal men of his Tribe, nor his *Clients*, (which, says ¹ *Livy*, made a considerable part of the *Commons*) nor (according to *Plutarch*) his *Colleagues* heretofore in office, nor his *Friends*, when all were assembled to consider of his case, would give him any hopes of escaping condemnation: So, to avoid a trial, he ran away, cursing his countrymen. One would naturally conclude from these particulars, that he was guilty. No, says *Plutarch*, "the Gods declared him innocent, by bringing the *Gauls* against *Rome* to revenge his cause, and punish the *Romans* for their unjust treatment of him."

And the biographer will have it "that he was banished for his steady opposition to the BILL for removing half of the Senate and People to VEII;" which Bill, (if we may credit *Livy*) the people themselves, moved by the intreaties of the Senators [and probably more moved by a promise of seven acres of the lands of *Veii* to each of them] had rejected three years before this prosecution.

Indeed it is highly probable, that, long before the impeachment of *Camillus*, the greater part of the *Plebeians* had received impressions much to his disadvantage: For the whole series of his conduct towards the Commons appears, even from the accounts given of it by his Panegyrist, to have been base and detestable; so base, that one may reasonably wonder how it could happen, that *Camillus* should be such a favourite character as he certainly is with most readers of ancient history. Howe-

¹ — M. Furium ab urbe amovere. Qui die dictâ ab L. Apuleio tribuno plebis, propter prædam Veientanam, filio quoque adolescente per idem tempus orbatus, quum accitis domum tribulibus, et clientibus, quæ magna pars plebis erat, percunctatus animos eorum responsum tulisset, Se collaturos quanti damnatus esset, absolvere eum non posse, in exilium abiit. L. 5. c. 32.

ver, this may perhaps be sufficiently accounted for by the same reflections which the ingenious writer, before quoted, makes on another occasion.

Mid. Life " Among the celebrated names of antiquity, those of the
of Cæ. " great conquerors and generals attract our admiration always
Pref. p. " the most, and imprint a notion of magnanimity, and power,
xvii. " and capacity for dominion, superior to that of other mortals:—these are the only persons who are thought to shine
 " in history, or to merit the attention of the reader: dazzled
 " with the splendor of their victories, and the pomp of their
 " triumphs; we consider them as the pride and ornament of
 " the *Roman* name; while the pacific and civil character,
 " though of all others the most beneficial to mankind, whose
 " sole ambition is, to support the laws, the rights and liberty
 " of his citizens, is looked upon as humble and contemptible
 " on the comparison, for being forced to truckle to the power
 " of these oppressors of their country."

That *Camillus* was superior in military skill to all his contemporaries, and that he did important service to his country by many victories in the field, is not to be disputed. But when we have granted thus much, what is there more to say in his praise? How scandalous an appearance does he make as a citizen, a member of a Republic erected on the principles of Liberty?

1. He is reported to have vowed the tenth of the spoil of *Veii* to *APOLLO*, in case the *Romans* should become masters of the place.

LIVY says, that *Camillus* made this vow just before he assailed the walls: According to *PLUTARCH*, it was before he set out from *Rome* to go to the siege: And it seems most probable from the sequel of the story, that neither before nor after he left *Rome*, did he ever act so senseless a part: But that when he and the Senate, thinking that the poor soldiers had got too rich a reward of their labours, (during a ten years siege) wanted to rob them of part of it, he then falsely pretended to have made the vow in question. For should we grant, that the general of a *Roman* army might, from certain religious prepossessions, without being out of his senses, really intend to make a present of a tenth part of the wealth of *Veii*, (the richest city of *Tuscan*) to the *Grecian* Priests of *APollo* at *Delphi*; I say, supposing this,

" *Plutarch* in comparing the exploits of *Camillus* with those of *Themistocles*, intimates that there is so much of surprise, and of the *Merveilleux* spread over the actions of the *Roman*, as to make them finer subjects for painters and poets than for historians.

How

How came it, that *Camillus* did not in due time, and before the booty was carried off, acquaint the soldiers with his act of devotion? Why truly, He had forgot it; *the worst*, says *Plutarch*, Vol. II. *and the most ridiculous of all excuses*. The soldiers, nevertheless, p. 277. threatened with the anger of the Gods, paid into the public stock the value of a tenth of what they had brought home.

2. Fraud and imposture succeeding so well, a new trial of it is made the next year. The poor citizens being many of them eagerly bent on removing to *Veii*, that they may get a reasonable share of the lands belonging to it, *Camillus*, to throw a religious obstacle in their way, is pleased then to have a new scruple: He recalls to mind, that his vow to *Apollo* had com- Ibid. prehended, not only the *moveables*, but the *city of Veii*, and all p. 279. its *territory*. The Senate^a have tender consciences, and therefore refer this nice case to the Pontifices, the Casuists of the State. These having discoursed with *Camillus*, and informed themselves satisfactorily of his *Intention* when he made the vow, are clear in opinion, that *Apollo* must have the tenth of whatever had, before the vow, *belonged to the VEIENTES*, and had, since the vow, *fallen into the power of the ROMANS*. [Not a word however of the money raised by the sale of the captives, Ibid. and transmitted to the public treasury (that is to say, transmit- P. 274. ted to *Rome* for the use of the leading men of the Senate:)] For though the *persons* of the *VEIENTES* had fallen into the power of the Romans, yet the Casuists, it is likely, might hold, that the *persons* of the *VEIENTES* being the *Veientes* themselves, they could not properly be said to *belong to the Veientes*, and so were not comprehended within the vow.] Well, but how shall *Apollo* get his due? The tenth of the houses and lands of *Veii* cannot be sent to *Delphi*. *Camillus* and his associates have an easy expedient for this. They get the town and territory appraised, and they pay out of the public treasury, into their own hands, the tenth of the value; that they may buy gold to make a cup for *Apollo*. [The God was to have had a cup, before the appraisement, and he gets nothing more now: No; but the Senate find their account in this transaction. For the public having purchased, of the God, his tenth of the city and lands of *Veii*, and this tenth not being divided from the rest, it

^a Quum ea disceptatio anceps senatui visa delegata ad pontifices esset, adhibito Camillo, visum collegio, quod ejus ante conceptum votum Veientium fuisset, & post votum in potestatem populi Romani venisset, ejus partem decimam Apollini sacram esse. Ita in æstimationem urbs agerque venit: pecunia e ærario prompta, et tribunis militum consularibus, ut aurum ex ea cõmerent, negotium datum.

L. 5. c. 25.

is become impracticable for the people to put their project in execution, till the Senate shall think proper to ascertain and let out the particular houses and lands that belong to the public, in virtue of the late purchase.]

LIVY exhibits to his reader this whole scene of oppression, knavery, and religious imposture, and makes *Camillus* the principal actor in all: And yet speaks of him as the glory of *Rome* at this time, and the envy of *M. Manlius*.

On the other hand, though the historian (wanting proof) first supposes *Marcus Manlius* to have been actuated by pride, envy and ambition, and then invents for him words and discourse, such as a man, under the influence of those passions, might possibly utter, yet it is to be remarked, that he mentions not any one thing as *certainly done* by *Manlius*, but what is praise-worthy.

And from these observations one would be inclined to think that the oldest traditions, and perhaps the first written accounts concerning the transactions of those times were all favourable to *Manlius*, and much to the disadvantage of the Senate and *Camillus*: But that the later historians (and LIVY in particular) who on many occasions, do evidently consult the glory of the *Romans*, and especially of the Senate, more than truth, perceiving plainly, that, in the minds of strangers and of posterity, the venerable *Fathers* and *Optimates* of those days would be much disgraced, if it remain'd an established point of history, That an eminent Patrician, a man distinguished for his bravery, and gallant exploits, and who had done essential service to the State, was assassinated by them, only because he impoverished himself to relieve poor debtors, and warmly declaimed against excessive usury; the later historians, I say, to cover, in part the infamous conduct of *Camillus* and the *Patrician* faction thought it convenient to suppose (without evidence) the truth of what that faction imputed to *Manlius*, when they had determined to cut him off. Accordingly those writers have reported, that in all probability *Manlius* (otherwise a Roman of eminent virtue) was seized with the *Cupiditas Regni* °, and en-

* The same distemper had, with equal truth, been imputed to Vol. II. *Spurius Cassius* *, and in after times was imputed to *Tiberius Gracchus* p. 12, & and his brother *Caius*. This stratagem of the Senate, when they wanted to destroy an adversary by the hands of the *Roman* people was somewhat like pointing out to our populace a man, as bit by a mad dog, and incurable, and whom it is necessary to destroy in order to prevent mischief. The latter is not so malicious, because not certainly fatal, as was the other.

deavours

leavoured to make himself king of *Rome*. Of this charge against him *Livy* confesses that he found no proof, except his *good deeds*, (his liberalities) and some *sedition* discourse, that is to say, some discourse against *exorbitant usury*, *cruelty to insolvent debtors*, and *robbing the public*; of all which the chief men of the Senate were notoriously guilty: For it is to be observed, that, with *LIVY*, *sedition* frequently signifies nothing more than opposition to the desires and measures of the Senate.

If it be granted (as surely it will) that in order to form just ideas of the merit or demerit of those men who make the principal figures in history, we must attend chiefly to what they did, and not to the *characters* given of them by their historians, *M. Manlius Capitolinus* will, I think, appear to have been an honest, benevolent, generous, open hearted, brave soldier, a friend to just liberty; the invincible *M. Furius Camillus*, a vain, hypocritical, avaricious robber of the public, the champion of tyrannical usurers, and the murderer of the best man in the Commonwealth. Always a hero in the field, always an oppressor in the city, he opposed for ten years together the enacting of those *Laws*, to the execution of which, when enacted, were owing the *liberty*, the *virtue*, the *glory*, and the *empire* of the *Romans*†. I mean the laws proposed by *Licinius Stolo*, in the year 377, and passed by the Tribes in 386. A writer, on no occasion partial to the *Tribunes of the Commons*, tells us, *Dr. Middleton*, that “they never left teasing the Senate with fresh demands, till they had laid open to the *Plebeian* families, a promiscuous right to all the magistracies of the Republic, and by that means a free admission into the Senate.” He adds, “Thus far they were certainly in the right and acted like true patriots; and after many sharp contests, had now brought the government of *Rome* to its perfect State; when its honours were no longer confined to particular families, but proposed equally and indifferently to every citizen; who by his virtue and services, either in war or peace could recommend himself to the notice and favour of his countrymen.” To hinder his improvement of the constitution, and to keep the *Plebeians* in a slavish dependance on insatiable *Patrician* usurers, were the chief objects of the care of the great *Camillus*, in his old age. Created Dictator by the Senate (in the year 385) for no other end, but that he might abuse the power annex’d to that office,

† In the introduction to the fourth book of this history, the reader will find some reflections on the excellency of these laws; and he may find the same reflections inserted in the preliminary discourse of the ingenious author of the new translation of *Cæsar’s* commentaries.

he (to answer the purpose of his creation) by menaces, and by his liſtors, drove the people from the Forum, when they were going to enact the moſt excellent Laws. The two Tribunes, however, not diſmayed hereby, and knowing his weak ſide, quickly frightened him, by an attack there, into an abdication of his Dictatorſhip. *Plutarch* ſpeaks only of their *threatning* him with a *heavy fine*; but *Livy* tells ¹ us, that, according to ſome writers, the Tribunes *actually got a Law paſſed by the Commons, ſubjecting him to that heavy fine*, in caſe he interpoſed his authority of Dictator, to hinder the proceedings of the Comitia. Be that as it will, *Camillus*, after mention of the *fine*, ſuddenly laid down his ſovereign magiſtracy, under pretence, ſays *Plutarch*, of bodily indispoſition. The *Latine* hiſtorian, very unwilling to believe that the Hero retreated through *fear*, gives four or five reaſons againſt that opinion; and is inclined to think, that he quitted his poſt out of a religious ſcruple, relating to ſome newly diſcovered defect in the ceremony of his inauguration: But if *the love of riches* was the Hero's ruling paſſion, as it ſeems to have been, this will furniſh a ſufficient answer to twenty better reaſons than *Livy* has produced; and, by the account which *Plutarch* gives of the inſult offered to the Hero the next year when he was again Dictator, and of the meek part he then acted, it appears (if the ſtory be true; for *Livy* ſays nothing of it) that the Tribunes, by threatning to make him *pay*, had totally ſubdued his ſpirit.

I conclude from the whole of theſe Remarks, that *MANLIUS*, innocent of all deſigns againſt the liberty of his country, ſell a ſacrifice to the avarice and ambition of *CAMILLUS*, and the other Oligarchs, his associates in oppreſſive iniquities.

¹ — re neutro inclinata magiſtratu ſe abdicavit: ſeu quia vitio creatus erat, ut ſcripfere quidam; ſeu quia tribuni plebis tulerunt a plebem, idque plebes ſcivit, ut ſi *M. Furius* pro dictatore quid egieſet, quingentum millium [æris] ei multa eſſet. L. 6. c. 38.

CHAP. III.

§. I. During the ſix following years and the beginning of the ſeventh, Rome is almoſt entirely free from civil diſſentions; but wars are carried on abroad againſt the *Præneſtini* and *Volſci* with very little interruption. *Camillus* being one of the Military Tribunes in the year 373 gives a remarkable proof of his moderation, when diſreſpectfully treated by one of his Collegues.

AULUS

AULUS * MANLIUS [probably an infamous Y. of R. usurer, and for that reason not consenting to the death of his brother Marcus] was chosen one of the *Military Tribunes* at the very next election, and with him were join'd † *L. Valerius*, ‖ *Ser. Sulpicius*, § *L. Lucretius*, ‡ *L. Æmilius*, and *M. Trebonius*. The plague still raged, and to add to the misfortune, *Rome* was not only threatned again by the *Volsci*, but by some of her own colonies which revolted; so that the Senate found it necessary to engage the People's consent to a war. And in order to this they promised to divide the *Pompitin* territory among them, and named five Commissioners to make the distribution of the lands, and three others to lead a colony to *Nepesæ*. Hereupon the Tribes unanimously agreed, notwithstanding the opposition of the Tribunes, that troops should be raised to act against the several enemies of *Rome*. Accordingly troops were raised; but the plague continuing, the *Military Tribunes* durst not lead them into the field. And though *Præneste* followed the example of *Velitræ*, *Circei*, and other colonies, the low condition of the Republic obliged her to suspend her resentments.

But in the following *Military Tribuneship* of *Sp. Papius*, *L. Papirius*, ** *Ser. Cornelius*, ‡ *Servilius*, *Ser. Sulpicius*, and †† *L. Æmilius*, the two first marched an army towards *Velitræ*, and in the neighbourhood of that place defeated the *Veliterni*, tho' joined by great numbers from *Præneste*. The Generals did not think it adviseable to besiege *Velitræ*, but rather to pursue the war with vigor against the *Prænestini*, who had farther provoked the *Romans* by assisting the *Volsci*.

And now the Republic having much work upon her hands, turned her eyes again upon the invincible *Camillus*, to raise him a sixth time to the *Military Tribuneship*. *Camillus* apprehensive of the vicissitude of fortune,

* *Aulus Manlius* was one of the *Military Tribunes* when the *Patricians* made their first attempt to destroy his brother, in the year 369.

Y. of R. was willing to spend the remainder of his days in tranquillity: But in vain he endeavour'd to excuse himself, by pleading his age and infirmities; the People declared, that they did not expect him to fight in person either on foot or on horseback, but only desired him to assist the army with his counsel, and make it invincible by commanding it. *A. Posthumius, L. Posthumius, L. Furius,* L. Lucretius, and M. Fabius Ambustus,* were chosen to be his Collegues. The Senate decreed the conduct of the war against the *Volsci* to *Camillus*; it fell by lot to *L. Furius* to be joined with him. All the troops consisting of four legions marched towards *Satricum*, which the *Volsci* and *Prænestins* had lately taken, and where they had formed their camp. *Camillus* posted himself at a small distance from the enemy, but was in no haste to fight; he either waited for better health, or to receive reinforcement of troops. In the mean time the *Volsci* endeavoured to provoke the *Romans* to a battle, and these grew impatient of the insult. Their ardour for fighting was increased by the rash discourses of young *Furius*, who imputed the prudent delays of his Collegue to his age, which, he said, had chill'd his blood. He at length address'd himself to *Camillus*, reproach'd him with his inaction, and urg'd him to comply with the desires of the soldiers. *Camillus* answered with an air of superiority, but with great temper, That hitherto the *Roman* People had not been dissatisfy'd with his conduct in war; that nevertheless, if the impetuosity which hurried the soldiers on to an engagement was not to be restrained, he wished them success, but desired to be excused, on account of his age, from engaging in the foremost ranks. While *Furius* drew up his troops in order of battle, *Camillus* prepared a *Corps de Reserve* to assist his Collegue in case of distress; and this precaution prov'd of great importance: For when the young General, whose vigorous charge did not fail to put the *Volsci* to flight, had, through his indiscreet warmth in pursuing them too far, suffered a defeat, *Camillus* rallied the broken cohorts, and repuls'd the enemy. The next day he join'd battle with them again. *Furius*, whom

373.
Bel. J. C.
379.
41st Mil.
Trib.
Plut. Life
of Cam.
p. 148.
* A 3d
time.

Plut. Life
of Cam.
p. 149.

whom he had placed at the head of the cavalry, being ^{Y. of R.} sensible of his fault, intreated his troops to exert them- ^{373.} selves to recover his reputation. Accordingly, when ^{Bef. J. C.} the infantry were hard pressed, the horse, at his request, ^{379.} dismounted, and gave them assistance so opportunely, ^{41st Mil.} as to make them victorious. Among the prisoners were ^{Trib.} found some of the inhabitants of *Tusculum*, a neigh- ^{Livy, B. 6.} bouring city and in alliance with *Rome*. These being ^{c. 25.} examined, declared that they had taken arms with the consent of their Magistrates. This account alarmed *Camillus*, and he thought it necessary to go in person to *Rome* with the prisoners, and lay the matter before the Senate. Though he left *Furius* to command the troops during his absence, yet it was generally believed both in the army and in the city, that his chief business at *Rome* was to complain of him. The Senate therefore when they observed that he said nothing of *Furius*, but confined his discourse to the revolt of the *Tusculans*, were much astonish'd; and still more so, when of all his Colleagues he chose *Furius* to accompany him in the new expedition against *Tusculum*. By this conduct *Camillus* gained honour to himself, and covered the disgrace of the young General [probably his kinsman.] As for the *Tusculans*, they disarmed the resentment of the *Romans* by making no resistance. *Camillus* found the husbandmen at work in the fields, as in times of the profoundest peace; the Magistrates of the city sent him provisions, and came out to meet him; and when he entered the place he found the shops and schools open, the markets full, and not the least sign of war. The General, pleased and satisfy'd with these ^{c. 26.} tokens of repentance, advised the Senate of *Tusculum* to send a Deputation to *Rome*, there to make their submission. Deputies were accordingly dispatched, who, habited in mourning, and with their *Dictator* at their head, addressed the *Conscript Fathers* in a suppliant manner. The Senate readily forgave the *Tusculans*, and to make them entirely *Roman*, granted them soon after, the privileges of *Roman* citizens.

- Y. of R. The following administration of * *L. Valerius*, † *P. Valerius*, § *L. Menenius*, || *C. Sergius*, *Sp. Papirius*, and † *Ser. Cornelius*, was disturbed by domestic seditions and a foreign war. The two *Censors* had begun to examine into the grounds of the complaints made by the poor debtors, when one of those Magistrates died; upon which the other, as custom required, laid down his office, and the *Romans* proceeded to a new election. But the *Patricians*, who were doubtless afraid of a *Census*, (because it must of course discover their riches and excessive usury, and the oppression which the poor debtors laboured under) pretended some defect in the election, and thence took occasion to declare publicly, that it was against the will of the Gods, that the Republic should have any *Censors* this year. *The Tribune of the Commons* exclaimed against this proceeding, as an intolerable artifice; and would suffer no levies to be made to oppose the *Prænestins*, till these, embolden'd by the Discord in *Rome*, came pillaging to its very gates. Then in a fright and a hurry the People all ran to arms, *Titus Quinctius* was created *Dictator*, troops were rais'd without opposition, and the *Prænestins* (such a dread they had of a *Dictator*) instantly removed farther off. Possess'd with a vain conceit, that the banks of the *Allia* must always prove a fatal place to the *Romans*, they encamp'd there, and were there routed. The *Dictator*, by assault, took eight towns subject to *Præneste*, and then *Velitræ*; after which *Præneste*, without waiting to be attacked, capitulated. From that city *Quinctius* brought, in triumph, the statue of *Jupiter Imperator*, and placed it in the *Capitol* between the sanctuaries of *Jupiter Capitolinus* and *Minerva*, and then abdicated his Dictatorship, which he had held only twenty days.
374. Y. of R. The Government of the Republic pass'd now into the hands of three *Patricians* and three *Plebeians*: The former were *P. Manlius*, *C. Manlius*, and ** *L. Julius*; the latter *C. Sextilius*, *M. Albinus*, and *L. Antistius*. To the two *Manlii*, because more nobly born than their *Plebeian* Collegues, and more in favour than *Julius*, the Senate

Senate gave the conduct of the war against the *Volsci*, Y. of R. but had soon cause to repent of this preference: for those generals, without first acquainting themselves with the country, sent out some cohorts to forage; and, upon the single report of a *Latine*, who, disguised under the appearance of a *Roman* soldier, came hastily with the false tidings, "that the foragers were by the enemy intercepted and surrounded," marched the army with all expedition to their rescue, and thereby fell into an ambush, where the desperate courage alone of the soldiers (not the skill of the commanders) preserv'd them from total destruction; and the *Volsci*, during the action, detach'd a part of their troops, which surpriz'd and plunder'd the *Roman* camp. When the news of these disasters came to *Rome*, the Senate were at first for naming a Dictator; but judging by the inaction of the conquerors, that they knew not how to improve a victory, it was only resolv'd to call home the army and its commanders. During these misfortunes abroad, *Rome* continued free from all domestic broils; which may reasonably be imputed to the share the *Plebeians* had at this time in the Government.

The next year, when *Sp. Furius*, * *Q. Servilius*, C. Y. of R. *Licinius*, *P. Clælius*, *M. Horatius*, and *L. Geganius*, all *Patricians*, held the *Military Tribuneship*, was far from being so peaceable. What gave occasion to the disturbance, were the debts. To enquire into these, two Censors had been created; but they could not proceed in the affair, because of a fresh irruption of the *Volsci* into the *Roman* Territory. The *Tribunes of the Commons* however pursued their point with more warmth than ever, and oppos'd the levies, till they had forced the Senate to issue a Decree, that no person should be disturbed either for private debts, or for the public taxes during the present war. Hereupon all opposition to the levies ceased, and the *Romans* took ample revenge on the *Volsci*. But the war was no sooner at an end, than the creditors renew'd the prosecution of their debtors; who, far from having any hopes of discharging

375.
Bef. J. C.
377.
43d Mil.
Trib.

376.
Bef. J. C.
376.
44th Mil.
Trib.

* A 2d
time.
Livy, B. 6.
c. 31.

discharging their old debts, found themselves under a necessity of contracting new, on account of a tax imposed on them, to defray the expence of a wall of square stone, which the Censors were building; and the oppressed *Plebeians* could get no help from their Tribunes, because, no army being at this time wanted, these had no levies to obstruct.

- Y. of R. 377. NAY, the next year, when, by the powerful influence of the *Patricians*, six^b men of that order were again in the supreme magistracy, they raised, without
 Bef. J. C. 375. any opposition from the Tribunes of the Commons, three
 45th Mil. Trib. armies, one to guard the City, another to be ready to
 Livy, B. 6. march on any unexpected occasion, and a third to take
 c. 32. the field under the command of *Valerius* and *Æmilius*, against the confederated *Latines* and *Volsci*, who had commenced hostilities, and were encamped near *Satricum*, a city of the *Volsci*. In this war the *Romans* had the advantage. The confederates, after sustaining some losses, quarrelled among themselves, upon the
 c. 33. Question, Whether the war should be continued. The *Antiates* and the rest of the *Volsci* desired peace; the *Latines*, obstinately averse to it, separated from them in a rage, which they vented first on *Satricum*, reducing it to ashes, and sparing only a Temple of the Goddess *Matuta*. (This Divinity, according to *Plutarch*, was the same whom the *Greeks* called *Leucothea*, or *Inc*, Daughter of *Cadmus*.) Thence they fell upon the *Tusculans*, to punish them for having deserted the *Latine* Confederacy, and accepted the privileges of *Roman* Citizens. They surprized the Town, but the inhabitants retired into the Citadel, which they held out till they were reliev'd, probably, by that *Roman* army which had been kept ready to march upon occasion. The *Romans* took the place by assault, and the *Latines* within the walls of it were all cut to pieces, not one escaping.

^b L. ÆMILIUS, a fifth time,	L. Q. CINCINNATUS, a 2d time,
S. SULPICIUS, a second time,	
P. VALERIUS, a fourth time,	
	C. QUINTIUS.

CHAP. IV.

§. I. *The lower sort of the People of Rome are overawed and oppress'd by the Great and the Rich; and the Commons in general lose that spirit and courage they formerly had in contending with the Nobles. In the midst of this extreme dejection, the vanity of a woman sets three bold and enterprising men at work to raise, by some New Laws, the fortune of the Plebeians higher than ever. By one of these proposed Laws (called afterwards the LICINIAN LAWS) the Consulship is to be restored, and, of the two Consuls, one is always to be Plebeian. The three men, who combine to effect this project, are M. Fabius Ambustus, the Lady's father, (a Patrician,) C. Licinius Stolo, her husband, a Plebeian, and L. Sextius, another Plebeian of great distinction. After ten years struggle with the Senate they carry their point. The Prætorship and Curule Ædileship are instituted. A Plague carries off many persons of distinction, among whom is the Great CAMILLUS.*

§. I. **A** TREATY concluded with the *Antiates*, Y. of R. and the Defeat of the *Latines* gave the Re-^{377.} public an interval of rest from foreign wars: but as the ^{Ref. J. C.} Senators and rich *Patricians*, when they stood in no need of the assistance of the lower sort, never fail'd to ^{375.} oppress them; so the more quietness there was at this ^{45th Mil.} time abroad, the more violence and tyranny did they ^{Trib.} exercise at home towards their *Plebeian* debtors. Multitudes of these being insolvent, were condemned to be *bond-slaves* * to their merciless creditors; which melan-^{Next.} choly scene so depressed and sunk the spirits not only of the meaner *Plebeians*, but even of the most considerable of that order, that, far from having the courage to stand in competition with the Nobles for the *Military Tribuneship*, there was not among them all a man of ability and experience, who would sue for or consent

Y. of R. consent to bear even the *Plebeian Magistracies*^b. But
 377. now, at this very crisis, when the *Patricians* seem'd to
 Bef. J. C. have secured to themselves for ever all authority in the
 375. state, and to have reduced the Commons to a kind of
 4th Mil. despondent subjection, a trifling accident gave occasion
 Trib. to a wonderful change in the face of things: the *Plebeians* on a sudden raised their drooping spirits, and with a dauntless ambition carried their pretensions, and with success too, higher than ever.

§. II. M. FABIVS AMBUSTUS, a *Patrician* of great credit in both parties, had two daughters, of whom the elder was married to S. *Sulpicius*, a *Patrician* by birth, and now Military Tribune; the younger to a rich *Plebeian*, named C. *Licinius Stolo*. One day when this *Plebeian's* wife was at her sister's house, a *Lictor* who walked before *Sulpicius* at his return from the Senate, thunder'd at the door (an usual thing) with the staff of the *Fasces*, to give notice that the Magistrate was coming. This noise, to which the wife of *Licinius* had not been accustomed, put her into a fright. Her sister taking notice of it, could not forbear laughing at her, seeming much to wonder at her ignorance. A very small matter, says *Livy*, is sufficient to disturb the quiet of a woman's mind. The vanity of the younger *Fabius* was stung to the quick by her sister's laughing; it made her feel the inequality of their conditions; and her uneasiness did not fail to be increased by the crowd of people that came to pay their court to her sister,

^b Quanto magis prosperis eo anno bellis tranquilla omnia foris erant, tanto in urbe vis Patrum indies miseræque Plebis crecebant; quum eo ipso, quod necesse erat solvi, facultas solvendi impeditur. Itaque quum jam ex re nihil dari posset, fama & corpore judicati atque addicti creditoribus satisfaciebant, pœnaque in vicem fidei cesserat. Adeo ergo obnoxios summisserant animos, non infimi solum, sed principes etiam plebis, ut non modo ad Tribunatum Militum inter Patricios petendum, quod tanta vi, ut liceret, tenebant; sed ne ad Plebeios quidem magistratus capeffendos, petendosque ulli viro acri experientique animus esset: possessionemque honoris usurpati modo à plebe per paucos annos, recuperasse in perpetuum patres viderentur. Ne id nimis lætum parti alteri esset, parva (ut plerumque solet) rem ingentem moliundi causa intervenit. M. Fabii Ambusti, &c.

and

and receive her commands. Her father happening to see her while she was yet in the first anguish of her grief, and perceiving by her countenance that something troubled her, kindly asked her what it was, and whether all was well at home. At first he could get no satisfactory answer from her: she was ashamed to own either that she envied her sister, or was discontented with her husband. But *Fabius* continuing in soft words to press her to disclose the secret, she at length confessed, that the true cause of her pain was her being married unsuitably to her quality, and into a family incapable of honours and high stations. The father being very fond of his daughter, omitted nothing that could be said to comfort her, promising, "that it should not be long before she saw at home the same honours which she had seen in her sister's house." And from this time he began to plot with his son-in-law for the interest of the Commons; these two associating in their projects *L. Sextius* a young *Plebeian* of capacity and spirit, and who wanted nothing but a nobler birth to qualify him for the highest offices in the Republic. The oppression which the poor *Plebeians* labour'd under at this time, and from which they could never hope to be freed, but by raising some of their own body to the supreme power, gave a fair occasion to the cabal to attempt an innovation in the Government. It was thought expedient, for the easier compassing their designs, that *Licinius* and *Sextius* should begin by getting the *Plebeian* Tribuneship, a magistracy that would enable them to open themselves a way to the highest dignities. And when they had carried that first point (which they soon did) they immediately bent all their thoughts and power to put the *Plebeians*, already not inferior to the Nobles in courage and virtue, upon a foot of equality with them in respect of honours too, boldly aiming, not at the Military Tribuneship, but at the very Consulship itself. They proposed a law for suppressing the office of Military Tribune, restoring the Consulate, and requiring, that of the two Consuls to be annually chosen, one should always be a *Plebeian*. And in order to make the

Y. of R.
377.
Bef. J. C.
375.
45th Mil.
Trib.

Livy, B. 6.
c. 35.

Y. of R. the People more eager to pass this Law, they tack'd it
 377. to two others relating to the *Debts* and the conquer'd
 Def. J. C. *Lands*.

375. By the first of these two laws there was to be de-
 45th Mil. ducted from the capital debt whatever sums had been
 Trib. paid for interest, and the principal was to be discharged
 in three years, and by three equal payments.

The second was to prohibit any *Roman Citizen* from
 possessing more than five hundred acres of land. What-
 App. de ever lands any one held beyond that restriction, were
 Bell. Civ. to be taken from him, and divided among the poorer
 B. 1. c. 2. Citizens.

It is easy to guess, that laws of such weighty import
 were not to be obtained without violent struggles. Riches and honours, those objects of the most passionate desires of men, were the interests in question. The Senators, alarm'd and terrify'd, held public and private councils, but could fall upon no expedient to avert the impending evil, except that of gaining some of the Tribunes over to their party; an expedient which in like contests they had formerly employ'd with success. And now the eight Collegues of *Licinius* and *Sextius* were all prevailed with to oppose the measures of these two; so that when the projectors of the new laws had convened the Tribes to give their voices concerning them, the other Tribunes would not so much as suffer the reading of them to the assembly: the word *VETO* (*I forbid*) put a stop to all proceedings thereupon. The two Tribunes having frequently assembled the people, but still in vain, *Sextius*, at length addressing himself to the *Patricians*, said aloud, "Very well; since *INTER-CESSION*^b is always to have so prevailing a power, we shall take care to defend the Commons with the very same weapon. Appoint an assembly whenever you please for electing *Military Tribunes*; the word *VETO*, which our Collegues now chant in concert so harmoniously, will not then be so pleasing a musick to your ears."

^b The term expressing the *Opposition* of the *Tribunes* to any public act.

§. III. THESE were no empty menaces; for the Y. of R. time being come for a new election of Curule Magistrates, *Sextius* and *Licinius* oppos'd and hinder'd all proceeding thereto; and being themselves continued in the *Plebeian* Tribuneship, they renewed the same opposition for five years successively, so that the Republic fell into a kind of Anarchy. At length, in the fifth year, a foreign enemy came as it were to the assistance of the Senate. The inhabitants of *Velitræ* a Roman Colony, grown wanton with idleness, and seeing no Roman army on foot, made some incursions on the lands of the Republic, and then besieged *Tusculum*. The *Tusculans* had long been allies, and had lately been admitted Citizens of *Rome*, so that the *Plebeians* as well as the Nobles were ashamed to refuse them assistance. *Sextius* and *Licinius* therefore waving their OPPOSITION, an assembly was held by an *Inter-rex*, for electing Military Tribunes. The choice fell on six *Patricians*,^{Y. of R. 378, 379, 380, 381, 382.} who, after some difficulty in making the levies, marched an army against the enemy, defeated them, raised the siege of *Tusculum*, and besieged *Velitræ*: and this place not being taken when their year drew towards a close, the Centuries created six new Military Tribunes⁴ to carry on the siege; and, among these, * *M. Fabius*^{2d time.} *Ambustus*, the father-in-law of *Licinius Stolo*. The Y. of R. state of affairs at *Rome* was now much alter'd, not only by this promotion of *Fabius* to the supreme magistracy, but by an increase of strength which the favourers of the new laws had got in the college of Tribunes, of whom at this time there were but five who oppos'd those laws. *Licinius* and *Sextius* being thus supported by three of their colleagues and by a Military Tribune, push'd their point with more warmth than ever. They were now the seventh year in office, and, by long ha-

c L. FURIUS, a second time,
P. VALERIUS, a fifth time,
A. MANLIUS, a fourth time,
S. SULPICIUS, a third time,
C. VALERIUS,
S. CORNELIUS, a sixth time,

d Q. SERVILIUS, a third time,
M. CORNELIUS,
C. VETURIUS, a second time,
Q. QUINCTIUS CININNATUS,
A. CORNELIUS,
M. FABIUS.

Y. of R. bit, thoroughly practised in the art of managing the
 383. People. In the presence of the multitude they boldly
 Bef. J. C. and repeatedly asked the chief men of the Senate,
 369. "with what assurance they could desire, that the laws
 47th Mil. Trib: "should allow them to possess more than five hundred
 "acres of land, when only two acres were allotted to
 "each *Plebeian*? Is it reasonable that every one of you
 "should hold the lands of near three hundred Citizens,
 "and that a Commoner should hardly have ground e-
 "nough whereon to build him a small habitation to live
 "in, or sufficient for a burial-place when he dies?"

Liv. c. 37. When by these and such like doleful words they had
 stirred up the People to a much greater indignation than
 they felt themselves, they immediately added, "But
 "how is it possible that any bounds should be set to
 "the avarice of the *Patricians*, or to their oppression
 "of the People, unless the People themselves will pro-
 "vide for their own security, by raising some of their
 "own body to the Highest Magistracy? Nor will it be
 "sufficient that *Plebeians* be *qualified by law* to be *Con-*
 "*suls*. They obtained the privilege of standing for
 "the *Military Tribuneship*; and yet, in forty-four
 "years; not one of their order was promoted to that
 "dignity! The number of *Military Tribunes*, at their
 "first institution, was ordained to be *Six*, on purpose
 "that the Commons might have a share in that magi-
 "stracy; nevertheless, by the power and influence of
 "the Nobles, their just pretensions have been almost
 "constantly defeated. And how much easier will it be
 "for the *Patricians*, when there are but two places to
 "be filled by *Consuls*, to secure them both to them-
 "selves? The only remedy is, to make it an indispen-
 "sible law, that there be always ONE *Plebeian* in the
 "*Consulate*. From that very day, and not till then,
 "may the Roman People be deem'd to have banished
 "Kings from Rome, and to have established Liberty on
 "a firm basis: from that very day the *Plebeians* will
 "begin to share in all those things which now give

* From the Year 309 to 353.

the

“ the *Patricians* the pre-eminence over them, Power, Y. of R.
 “ and Honour, Military Glory, and Nobility; they 383.
 “ will enjoy great advantages themselves, and transmit Bef. 7. C.
 “ them greater to their posterity.” 369.
 47th Mil.

When the Tribunes found that these discourses were Trib.
 listened to with pleasure, they proposed a fourth law,
 “ That *DECENVIRS* be appointed instead of *DUUM-*
 “ *VIRS*, to take care of the *Sybilline* Books, and to
 “ interpret them; and that Five of the Ten be always
 “ *PLEBEIAN*.” However, all proceedings on this, as
 well as the other Proposals, were suspended during the
 siege of *Velitræ*, which went on but slowly. The five
 Tribunes in the interest of the Senate had urged, that
 it was but just to wait the return of the army from be-
 fore that place, that the Soldiers, who made so great a
 part of the Commons, might not be excluded from
 giving their votes when such important innovations
 were on foot.

§. IV. THE year ending before the return of the Y. of R.
 army, the Republic chose six new Governors; but the 384.
 People continued in the *Plebeian* Tribuneship the two Bef. 7. C.
 authors of the laws in dispute. *Sextius* and *Licinius* 368.
 having once more summoned the People (probably to 48th Mil.
 wards the close of the year 384) were now resolved to Trib.
 proceed without any regard to the *Prohibition* of their Livy, B. 6.
 Collegues^f. The Senate terrify'd hereat, had recourse c. 38.
 to

* L. QUINCTIUS CAPITOLINUS, SP. SERVILIUS, S. CORNELIUS, a seventh time,	L. PAPIRIUS CRASSUS, S. SULPICIUS, a fourth time, L. VETURIUS.
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^f Father *Catrou* and *Monf. Vertot* seem both of them to have mis-
 taken some words of *Livy* in this part of the story, and by that mis-
 take to have fallen into a perplexity, which has induced the first to
 suppose a ground of contest between the Tribunes, for which he has
 no authority, and the other to omit the mentioning of any contest at
 all between them.

Both the *French* writers relate, that the Tribunes were now *unani-*
mous upon the affair of the New Laws. The passage in *Livy*, on
 which I suppose they found themselves, is this: *Quum Tribus voca-*
rentur, nec intercessio Collegarum latoribus obflaret, trepidi Patres ad duo
ultima auxilia, summum imperium summumque ad civem decurrunt.

Y. of R. to their last experiments, the *Highest Authority* and the
 384. *Greatest Man*. They named *CAMILLUS* to the
 Bel. J. C. DICTATORSHIP, this being the fourth time of his be-
 368. ing invested with that dignity. His promotion, if we
 48th Mil. may believe *Plutarch*, was much against the will of the
 Trib. People, nor was *Camillus* himself very forward to ac-
 Plut. in cept the charge, not caring to exert the Dictatorial au-
 Cam. p. thority against those who had so often on great occasions
 149. reposed their confidence in him, and believing that he
 was pitched upon out of ill-will, that he might be the
 instrument to oppress the Commons if he succeeded,
 or failing, might himself be ruined.

Livy, ibid. The creation of a Dictator did not deter *Sextius*
 and *Licinius* from convening the Tribes to give their
 votes upon the new laws. *Camillus*, full of anger and
 indignation, and attended by a great body of the *Patri-*
cians, repaired to the Assembly, and there seated him-
 self in his Tribunal. After the usual conflict between
 the *legislating* and the *interceding* Tribunes, and when,
 in spite of the Veto of the latter, the former, sup-
 ported by the People's favour, went on to take the
 suffrages of the Assembly, and the first Tribes had
 already voted for the Laws, the Dictator, rising up

The words in *Italic* they understand to mean, *That there was no longer any opposition to Sextius and Licinius from their Collegues*: Whereas the context plainly shews the true meaning of them to be, not that *Sextius* and *Licinius* were not *opposed* by their Collegues, but that they were not *hinder'd* by that opposition from proceeding; and it was this that alarm'd the Senate so much, as to make them name a Dictator. That the Tribunes were still divided about the new Laws, as before, is evident from the words in *Livy* which presently follow those above cited. *Quum Dictator stipatus agmine Patriciorum, plenu iræ minarumque confedisset, atque ageretur res solito primum certamine inter se Tribunorum plebi ferentium Legum intercedentiumque; & quanto jure potentior intercessio erat, tantum vinceretur favore legum ipsarum, latorumque, &c.*

Father *Catrou*, not to be inconsistent with himself, conjectures that some of the Tribunes opposed the proceedings of the rest at this juncture, not because they disapproved of the laws in question, but out of respect for the Dictator then present, *Sans doute par respect pour le Dictateur*; that they were unanimous concerning the justice of passing the laws, and differ'd only as to the time.

declared

declared, "that he was come to support the privileges Y. of R.
 "of the Commons, and that he would never suffer ^{384.}
 "one part of the Tribunes to deprive the other of ^{Bef. 7. C.}
 "their right of *Opposition*." *Sextius* and *Licinius* laugh- ^{368.}
 ed at this artful speech, and continued to take the ^{48th Mil.} Trib.
 votes. The Dictator hereupon, in great wrath, sent
 his lictors to drive the People out of the Forum;
 threatening at the same time, that, if they offered to
 proceed to *Law-making*, he would summon them to
 the *Campus Martius*, oblige them to list, and to march ^{Plut. p.}
 into the field. His menaces, while they put the Com- ^{150.}
 mons into a fright, seemed to raise the courage of the
 two Tribunes. For these preferred a Bill, and engaged
 the Commons to pass it into a Law, "That, in case
 "M. *Furius Camillus* made use of his Dictatorial Power
 "to obstruct the enacting of the Laws in dispute, he
 "should pay a fine of 500000 asses of brass." *Ca-*
millus, presently after, either intimidated by this *Ple-*
biscitum, or (as *Livy* is ^a inclined to think) having
 discovered, that there had been some defect in the ce-
 remony of taking the Auspices, when he was created
 Dictator, abdicated his supreme Magistracy.

§. V. THE Senate in this nice conjuncture not Y. of R.
 knowing how to act without a Dictator, whose autho- ^{385.}
 rity might be a curb upon the Tribunes, named P. ^{Bef. 7. C.}
Manlius to succeed *Camillus* in that dignity. ^{367.}
Livy, *ib.*

Livy tells us, that during a sort of inter-regnum, ^{B. 6. c. 39.}

^a Or 50000 *Drachme*; i. e. 1614*l.* 11*s.* 8*d.* *Arbutnot.*

The Greek *Drachma* was in value the same as the Roman *Denarius*,
 that is 7*d.* English.

^b *Livy* gives several reasons for his believing that it was not fear
 which made *Camillus* resign the Dictatorship. 1. The Character of
 the Man. 2. The Senate's appointing another Dictator to succeed
 him; which they would not have done, if the Dictatorial Authority
 had proved impotent in his hands. 3. *Camillus's* accepting of the
 same office again not long after, and while the three Laws were still
 in dispute; which he would have been ashamed to do, had he been
 so lately overpower'd in the exercise of it. 4. At the time when the
 bill, for imposing the fine, is said to have been preferred, he had
 power to hinder its passing into a Law, or he could not have hindered
 the passing of those, for the sake of which this was preferred.

A a 2

which

Y. of R. which there was between these two Dictatorships, *Sextus* and *Licinius* held an Assembly of the People, and proposed their Laws anew; and that they might have obtained the passing of those two which related to *Larceny* and *Usury*, if those would have satisfied them: but that they refusing to separate the Laws, and requiring the People to give their voices upon all at the same time, the Assembly could not be brought to pass that Law which related to the Consulate.

The new Dictator *Manlius* presently discover'd himself to be a favourer of the Commons, by naming a Plebeian, *C. Licinius* (not *Licinius Stolo* the Tribune) for his *General of the Horse*. Such a nomination was without example, but he endeavour'd to justify himself to the Senate by alledging, that *Licinius* was his near kinsman, and that the dignity of *General of the Horse* was not greater than that of *Military Tribune*, which latter *Licinius* had heretofore enjoy'd. [This shews, that in the confusions of a state, mutual fidelity between the members of a party is not much to be depended upon, because of the private ties there, that are among Citizens of the same City, tho' of opposite parties.]

When the election of Tribunes came on, the method they took in order to get themselves continued in office, was, to pretend that they would no longer serve. They represented to the People, that they were grown old in the Tribuneship to no purpose, and that after struggling nine years with the Senate for the good of the Commons, the only recompence they had met with for their services, was neglect and ingratitude. " You " would very gladly be freed from the oppression of " Usury, and you are very eager to have your share of " the conquer'd Lands; but when the question is, to " promote the honour of your Tribunes, by whose labours and zeal you are to obtain those benefits, you " shew nothing but coldness and indifference. Is it " consistent with modesty for you to ask these advantages *by our means*, while you resolve to leave us afterwards, not only without honour, but without " hopes

" hopes of honour? To be plain then, the Laws we
 " have propos'd are inseparable. If you are willing to
 " pass them conjointly, you may then chuse us again
 " into the Tribuneship; but if you are determin'd to
 " reject *that* which relates to the *Consulate*, be assur'd
 " that we will no longer serve, nor shall you get those
 " pass'd which concern *Usury* and the *conquer'd Lands*."

Y. of R.
 385.
 Bef. J. C.
 367.

All the *Patricians* in the assembly were struck dumb
 with amazement at this open and resolute Declaration,
 except *Appius Claudius* (Grandson of the Decemvir.)

Livy,
 c. 40.
 & seq.

Appius, not moved by any hope of influencing the
 assembly, but by anger and indignation, stepped forth
 and made a long and warm speech, full of invectives
 against the two Tribunes, " those **TARQUINS**,"
 as he call'd them, " the years of whose *perpetual Ty-*
 " *ranny* were regularly number'd, as the years of the
 " *Kings* were formerly in the *Capitol*." And he ex-
 patiated on the insolence of declaring, " That the
 " Commons should not be free to pass such Laws as
 " they approved, unless they would at the same time
 " pass others which they did not approve, nor think
 " to be for the public benefit."

Appius's harangue had no other effect, than to delay
 for a while the publication of the laws propos'd. The
 two authors of them were chosen the tenth time into
 the Tribuneship; and it is probable, that the multitude
 being afraid of losing such able and zealous defenders,
 engaged themselves to follow their directions im-
 plicitly.

Livy, B. 6.
 c. 42.

Not long after their re-election into power, they ob-
 tained the passing of that law which had been last pre-
 ferr'd, and which related to the guardianship of the
Sybil's Books. The Commons, content for the present
 with this victory, suffer'd six *Patricians* to be created
 Military Tribunes for the next year, without menti-
 oning any thing of the *Consulate*.

A. CORNELIUS, a second time,
 L. VETURIUS, a second time,
 M. CORNELIUS, a second time,

P. VALERIUS, a sixth time,
 M. GEGANIUS,
 P. MANLIUS, a second time.

Y. of R.

386.

Bef. J. C.

366.

49th Mil.

Trib.

Plut. in

Cam.

P. 150.

§. VI. IN the beginning of the new administration, sudden advice coming, that a cloud of *Gauls* * from the coasts of the *Adriatick* was advancing towards *Rome*, the danger, common to all, united the voices of all to raise *Camillus* (now the fifth time) to the Dictatorship. This great man, though near fourscore, yet considering the peril the state was in, did not now plead infirmity, as he formerly had done, to decline the charge, but readily undertook it, and lifted his soldiers. And knowing that the force of the Barbarians lay chiefly in their great swords, with which they laid about them in a rude unskilful manner, hacking and hewing the head and shoulders, he caused iron helmets to be made for most of his men, smoothing and polishing the out-side so, that the enemy's swords lighting upon them, might either slide off or be broken; and round about their shields he drew a rim of iron, the wood itself not being strong enough to sustain the blows. The two armies came to a battle in the territory of *Alba*. The *Roman* soldiers, ever since their defeat at the river *Allia*, had retained a fear of the *Gauls*: Nevertheless, *Camillus*, without much difficulty, obtained a compleat victory.

Liv. B. 6.
C. 42.

After this success he led his army to attack *Velitra* (the siege of which had been interrupted) but the City surrender'd to him without resistance. He then returned to *Rome*, where the honours of a TRIUMPH were decreed him by Senate and Commons.

§. VII. THE People returning home elated with victory, were more obstinately bent than ever on passing the three Laws, so long disputed. On the other hand, the Senate, equally obstinate in their opposition, would not suffer *Camillus* to lay down his Dictatorship, thinking that under the shelter of his great name and absolute authority, they should be better able to contend with their adversaries. *Plutarch* reports, that one day

* *Plutarch* tells us, that the *Romans* feared the *Gauls* so much, that in a law they made to excuse Priests from military service, there was an exception to the case of an Invasion from the *Gauls*.

when

when the Dictator was sitting on his Tribunal in the *Y. of R. Forum* dispatching public business, an officer, sent by ^{386.} the Tribunes, commanded him to rise and follow him, ^{Bel. J. C. 366.} saying his hand upon him at the same time, as if he ^{49th Mil.} meant to drag him away by force. Never was a great-^{Trib.} Trib. uproar or tumult in the *Forum* than on this occasion; the *Patricians*, who surrounded *Camillus*, driving back the officer, and the multitude from below bawling out, *Pull him down, Pull him down.* *Camillus*, though greatly at a loss what to do in this exigence, yet would not resign his authority: Guarded by the Senators, he retired with them to the Senate-house; but, before he enter'd it, turned towards the *Capitol*, and besought the Gods to put an end to these Commotions, vowing to build a Temple to CONCORD, if Union might be restored among his Fellow-citizens.

After warm debates in the Senate about the measures proper to be taken, it was at length resolved to comply with the people's desires, and to accept the three Laws in question, as the only means to procure domestic peace.

The Commons having thus obtained the victory ^{Plut. in} over the Nobles, the Comitia were held for electing ^{Cam.} Consuls, and then L. SEXTIUS the Plebeian Tribune ^{p. 152.} was chosen Collegue in that dignity to L. *Æmilius* ^{Livy, B. 6. c. 42.} *Mamercinus* a Patrician. Nevertheless, when the election of *Sextius* should have been confirmed by the Senate, the *Conscript Fathers* absolutely refused to do it; and the new disputes on this occasion between the two parties rose to such a height, that the *Plebeians* were just ready to leave *Rome*, and make a new SECESSION, when the Dictator proposed an expedient for a reconciliation. Hitherto the dispensing of justice in the city had been a branch of the Consular Office, but to which the Consuls could not always attend, being commonly during the summer in the field at the head of armies. *Camillus's* proposal was to separate this function from the Consulate, and to create a judge with the title of PRÆTOR, to whom it should be appropriated; and he advised the Senate to suffer that

Y. of R. one *Consul* might be annually chosen out of the *Ple-*
 386. *beians*, on condition that the *Prætor* should be always
 Bel. J. C. a *Patrician*. This motion being approved by both par-
 366. ties, the Senate confirmed the election of *Sextius*, and
 49th Mil. the Centuries created the son of *Camillus* *Prætor*¹.
 Trib.

Livy, B.
 6. c. 42.

§. VIII. TRANQUILLITY being thus established,
 the *Romans*, in gratitude to the Gods, ordered the
Great Games to be celebrated. These used formerly to
 last but three days, but now a fourth^a day was added;
 and on this account their name of *Ludi Magni* was
 changed into *Ludi Maximi*. It happened that the pre-
 sent *Ædiles* (for what reason is unknown) refused to
 take upon them the care of making preparations for
 this festival; upon which the young *Patricians* cried
 out, "That since the affair in question was the wor-
 "ship of the Gods, they should think it no dishonour
 "to be employ'd in it, provided they might be ap-
 "pointed *ÆDILES*." Accordingly the People, at the
 motion of the *Dictator*, created a new office in favour
 of the *Patricians*. It was called the *Curule Ædileship*,
 because these *Ædiles* (two in number) had the honour
 of the *Curule Chair*, which the *Plebeian Ædiles* had
 not. The business was to take care of the Temples,
 Theatres, Games, Markets, Tribunals of Justice, and
 the repair of the City Walls, and also to see that no
 novelty was introduced into Religion; in after-times
 they had likewise the inspection over books that were
 published, and pieces written for the Stage.

Y. of R. Notwithstanding some alarms, caused by a report,
 387. that the *Gauls*, who had dispers'd themselves in *Apulia*,
 Bel. J. C. were again got together, and that the *Hernici* threat-
 365. ened a rebellion, the Senate were unwilling to enter
 89th Con- upon a war under the administration of a *Plebeian Con-*
 fullship. sul, lest the glory he might acquire, should redound
 Livy, B. 7. to the honour of his whole party; so that all continued
 c. 1.

¹ The *Prætorship* was the second dignity in the Commonwealth;
 and the *Prætor* had the *Prætecta*, the *Curule Chair*, and two *Lictors*,
 who bearing *Fasces*, walked before him. The *Provincial Prætors*,
 created in after-times, were allowed six *Lictors*. C. & R.

^a *Plutarch* says, that this fourth day was added to the *Ferie Latine*.
 quiet

quiet both abroad and at home, excepting that the Tribunes of the Commons express'd their discontent to see, that for one Plebeian Consul granted to the Commons, the Nobles had got three new Curule Magistrates. The Senate hereupon were prevailed with to consent, that the *Curule Ædiles* should be chosen out of the *Plebeians* every second year; and afterwards they left the People at full liberty to chuse them every year out of either body.

Y. of R.
387.
Bef. J. C.
365.
89th Con-
sulship.

§. IX. *ROMÉ* after these establishments continued at rest, both from foreign wars and intestine divisions, under the new Consuls *L. Genucius* a *Plebeian*, and *Servilius Ahala* a *Patrician*. But it seems to have been the fate of this city never to be in perfect tranquillity: a pestilential sickness spread itself on a sudden, when no body could account for it. It could not be ascribed to the irregularity of the seasons. The winter had not been extraordinarily dry, nor had the cold weather been too suddenly succeeded by an immoderate heat; nor had the summer been too rainy; nor had the autumnal fruits, for want of sufficient maturity, caused indigestions: Nor lastly, had the *Calabrian* wind blown any dangerous and unwholesome air to *Rome*. This plague swept away, together with great numbers of the People, some of the Magistrates; one Censor, one Curule Ædile and three Tribunes of the Commons: But what made it most memorable, was the death of the great *Camillus*, who, though full of years, was more regretted, says *Plutarch*, than the whole multitude of those who died of the same disease.

Y. of R.
388.
Bef. J. C.
364.
90th Con-
sulship.
Oref. B. 3.
c. 4.

C H A P. V.

§. I. *The Romans have recourse to various expedients for putting a stop to the plague. The filial piety of the son of L. Manlius Imperiosus.* §. II. *The earth opens on a sudden in the midst of the Forum, and continues open, to the great terror of the City. M. Curtius, a young Patrician, leaps into the gulph compleatly armed and on horseback.* §. III. *The Consul Genucius, the FIRST PLEBEIAN*

PLEBEIAN, Rome had ever placed at the head of an Army, unfortunately conducts the war against the Hernici, his Legions are routed, and he himself slain. §. IV. The Gauls advance within three miles of Rome, encamping on the banks of the Anio. Young Manlius in single combat slays the mightiest champion of the Gauls, a man of a gigantick stature; which so discourages them, that they leave their camp in the night and in confusion. The next year the Gauls appear again in the neighbourhood of Rome; but are routed and driven thence by the Romans. The Consuls make war with success against the Tyburtes and the Hernici.

Y. of R. §. I. **I**N the year of Rome 389, C. Sulpicius and C. Licinius Stolo took possession of the Consulship. 389.
 Bef. J. C. The latter was that famous Licinius (son-in-law to Fa- 363.
 91st Con- bius Ambustus) who jointly with his Colleague Sextius had
 sulship. contrived the three Laws, and at the end of ten years, during which he had been Tribune of the Commons, had obtained the publication of them. And now the promise Fabius had made to his younger daughter was fulfilled, and she had the pleasure of seeing the *Lictors* with their *Fasces* march before her *Plebeian* husband, and of hearing them thunder at her gate.

Livy, B. 7. The plague still continuing, the Romans to put a
 C. 2. stop to it had recourse to their old superstition of the *Lectisternium*. But this proved ineffectual; and they endeavoured therefore to avert the anger of the Gods by a new institution to their honour. Hitherto Rome had no other Publick Sports but those of the *Circus*, that is to say, Races and Wrestling, which were very proper exercises for so warlike a people. But now they
 Val. Max. introduced a new sort of *Shows*, which at first were in-
 B. 2. c. 1. nocent, but afterwards became indecent, and had a natural tendency to corrupt men's manners. These shows were called *Scenici*, because they were represented on a *Scene*, that is, a stage built in the *Shade*. The
 Livy B. 7. performers, who were brought to Rome from *Hetruria*,
 C. 2. danced

^b The *Hetrurian* word which signified a *Player*, or *Dancer*, was *Histr*;

danced to the Flute, and kept time with their motions and gestures; but their *Entries* had no manner of relation one to another; neither were the Dances accompanied with any verses or discourses in these early times.

This kind of Comedy being performed in a part of the *Circus* near the banks of the *Tiber*, and the river happening to overflow at this time, the people concluded, that the new remedy they had invented to appease the Gods would be ineffectual. However, as they themselves had been agreeably amused, they did not lay aside the entertainments of the *Scene*.

In the following Consulship of * *L. Æmilius* and *Cn. Y. of R. Genucius*, the plague not ceasing, the *Romans* bethought themselves of an old religious ceremony which, ac-

390.
Bef. J. C.
362.
92d Con-

Hister; and hence the name of *Histriones*, given by the *Romans* to all *Stage-players*. The first speakers on the stage fell into the vicious * A 2d taste of the *Fescennini*, a people of *Hebruria*, who threw coarse and un-premeditated jests at one another. These were soon succeeded by satires written in verse, and set to the flute; which satires were repeated with suitable gestures. And some years after, *Livius Andronicus*, who acted his own pieces, turn'd the Satires into regular Plays, and confined himself in his compositions to one uniform matter. But he was called upon so often to repeat his Plays, that he at last became hoarse, and lost his voice. Hereupon he got the People's consent that a young man should sing for him, whilst he only accompanied the verses with proper gestures; and then his action soon became more perfect, when his attention was no longer divided between singing and acting. When these Theatrical Pieces were thus brought into form, the Farces, which had made people laugh, were despised and neglected. Nevertheless, the *Roman* youth revived them, and acted them at the end of their serious pieces. When the profess'd actors had finish'd their parts, some young *Romans* came upon the stage mask'd, and began to repeat merry verses, as formerly, but such as were free from obscenity. These pieces, which were a sort of composition between Satires and regular Plays, had their first rise in *Atella*, a city in *Campania*, and were called *Exodia*, that is, Verses not belonging to the Play. The *Romans* borrowed them from the *Osi*, a people of *Campania*. But the *Roman* youth never suffered the profess'd actors to bear any part in their *Exodia*, lest they should dishonour them. The persons who acted these pieces were not liable to the penalties to which the *Histriones* were subject; their names were not blotted out of the roll of the *Tribes* in which they had been incorporated; nor were they excluded from military services, as infamous persons. C. & R.

cording

Y. of R. cording to tradition, had succeeded in the like cases.
 390. This was *the driving a Nail* by a Dictator into the
 Bef. J. C. wall of the Temple of *Jupiter Capitolinus*, on the side
 362. next *Minerva's* sanctuary, which was under the same
 92d Con- roof. This Goddess was deem'd the inventress of
 fulship. Numbers; and the *Romans* used to number the years of
 Livy, B. 7. their state by nails. *Livy* tells us, that there was a law
 c. 3. written in antique characters and obsolete words, and
 fixed up in the Chapel of *Minerva*, importing, *That the*
chief Prætor for the time being should on the Ides of Sep-
tember DRIVE THE NAIL. (When this law was made,
 the *Romans* were perhaps unacquainted with the nume-
 ral letters.) The same author adds, that the Consul
Horatius, who dedicated the Temple of *Jupiter* the
 year after the expulsion of *Tarquin*, performed at the
 same time the ceremony of driving the Nail, which
 function was afterwards transferred from the Consuls to
 the Dictators, as magistrates of greater dignity and
 power; and that the custom having been discontinued,
 it was now thought a matter of sufficient importance
 for which a Dictator should be expressly created.

T. Manlius was the person named to the Dictatorship.
 It is likely that the plague, which had lasted three
 years, ceased about this time, because *Livy* makes no
 further mention of it. But *Manlius* being dissatisfied
 to have the whole business of his office confined to a
 religious ceremony, and it being believ'd that the *Her-*
nici were preparing to shake off the *Roman* yoke, he
 laid hold of this pretext to continue himself in power.
 He order'd troops to be rais'd, and even used violence
 to make the citizens enlist themselves. However, *the*
Tribunes of the People opposed his design, repelled force
 with force, and at length obliged him to abdicate. And

Y. of R. the Consuls for the new year, * *Q. Servilius* and † *L.*
 391. *Genucius*, were no sooner in office, than he was cited by
 Bef. J. C. *Pomponius*, one of the *Tribunes*, to answer before the
 361. People for the violence and cruelty which he had exer-
 92d Con- cised towards the Citizens. But nothing was so much
 fulship. detested as his cruel nature, and the surname of *Im-*
 * A 2d *periusus* (intolerable in a free city) which he had ac-
 time. quired
 † A 2d
 time.
 Livy, B. 7.
 c. 4.

quired by his excessive severity, shewn no less to his ^{Y. of R.} own blood and kindred than to strangers. For the ^{391.} Tribunes, among other things, accused him of inhu- ^{Bef. J. C.} manly and barbarously treating one of his own sons ^{361.} for no just cause, and meerly upon account of some ^{93d Con-} natural defects. This son of *Manlius*, named *Titus*, had an impediment in his speech, and was besides of slow parts; and for these reasons only, his father had confined him to the country, where he made him work like one of his slaves.

Manlius had a copy of his accusation given him, and ^{Cic. Off.} twenty seven days to prepare for his defence. All were ^{B. 3.} highly exasperated against him, except the son himself, ^{Livy, B. 7.} who hearing of what pass'd, and not being able to endure the thought that he too should furnish matter of accusation against his father; and to the end that Gods and Men might know how far he was from wishing to give his father's enemies any assistance, he resolv'd upon a most extraordinary method to deliver him, a method (as *Livy* observes) suitable to his rustic education and character, but laudable for the filial piety that inspired it. Early in the morning he privately and alone left the village to which he had been banished, came to *Rome*, nor stopt till he arriv'd at the door of *Pomponius* the Tribune, who was not yet up. He sent him word, that the son of *Manlius* desired to speak with him, about an affair that would admit of no delay. The Tribune believing that the young man was come either to thank him for the concern he had taken in his misfortunes, or perhaps to discover to him some new proofs of his father's tyrannical temper, order'd him to be brought in. *Manlius*, as soon as they had saluted each other, desir'd to speak with him in private without witnesses; upon which every body present was ordered to retire. Then the young man drawing out a poniard, and standing over the Tribune, threatened to run him through, if he did not immediately and solemnly swear to desist from the prosecution of his father. *Pomponius* was too much terrified not to swear whatever the other pleased to dictate; and he excus'd himself afterwards to the

Y. of R. the People for his dropping the prosecution, by alledg-
 ing the oath which had been extorted from him. The
 391. People were not displeased at the bold enterprize of a
 Def. J. C. son in favour of a father, which was the more laudable,
 361. inasmuch as the father's hard usage of his son had not
 93d Con- been able to lessen his filial piety. So that not only
 fulship. the father was discharged, but the affair ended much
 Val. Max. to the honour of young *Manlius*, who the same year was
 B. 5. c. 4 promoted, by the suffrages of the People, to one of the
 most important posts in the army. Every *Roman* Le-
 gion was commanded by six *Legionary Tribunes*, and
 these officers had been hitherto left to the choice of the
 Generals; but this year the People thought fit to elect
 part of them in the *Comitia*. Of twenty-four *Legionary*
Tribunes appointed at this time, the People chose six,
 and *T. Manlius* was named the second of the six. We
 shall soon see him by his merit surmount all the disad-
 vantages of his education.

Livy, B. 7.
 c. 6.

Val. Max.

B. 5.

Oros. B. 3.

S. Austin.

de Civitat.

Dei B. 5.

§. II. THE same year a very extraordinary acci-
 dent threw the City into a consternation. The ground,
 perhaps by the violence of an earth-quake, opened to a
 great breadth and depth in the midst of the *Forum*,
 and continued gaping in a frightful manner. Neither
 could this chasm be filled up by throwing abundance
 of earth into it, wherein the Citizens laboured with
 great diligence. The Augurs being consulted here-
 upon, told them, "That their purpose would never
 "be effected, until that thing, wherein the strength
 "and power of the *Roman* People chiefly consisted,
 "were dedicated and devoted to that place, and that
 "such a sacrifice would secure the eternal duration of
 "the *Roman* state." Great consultation there was,
 and much doubt concerning the meaning of this Oracle.
 At length *M. Curtius*, a *Patrician*, a brave young man,
 reproving the stupidity of his fellow-citizens, asked
 them, how they could doubt whether *Rome* had any
 thing more valuable than Arms and Valour? Hav-
 ing armed himself compleatly, and mounted a horse
 richly caparison'd, he came to the *Forum*, where
 the People were assembled in crowds. While
 they

they stood silent with wonder and expectation, he turned his eyes one while to the *Capitol* and then to the Pit, and having adored the celestial and infernal Gods, and devoted himself to death for his country, he leapt at once horse and man into the gulph. The People, both men and women, threw in after him great quantities of corn, fruit, and other oblations; and it is probable that with these, and afterwards with earth and rubbish, the hole was quite filled up. But some authors fabulously report, that the ground immediately closed upon *Curtius's* precipitating himself into the opening.

Y. of R.
391.
Ref. 7. C.
361.
93d Con-
sulship.

Val. Max.
B. 5. c. 6.

§. III. AFTER this expiation, the *Romans* unanimously resolved to turn their arms against the *Hernici*, who had made depredations in the territory of *Rome*, and had refused the satisfaction demanded by the heralds of the Republic. The conduct of the war fell by lot to *Genucius*, the first *Plebeian* Consul that was ever intrusted with the Command of an Army; and both parties were very anxious about the success of his expedition, because according to the event it would be judged, whether the Republic had done well to admit *Plebeians* to share in the Consular Dignity. It happened unluckily for the Commons, that *Genucius* proved unsuccessful in the campaign. He fell into an ambush, his legions were routed, and he himself killed. The *Patricians* did not fail to take advantage of this accident. They exclaimed in all places, that the misfortunes of *Rome* were owing to the vengeance of the Gods, who had been despised. That the Commons might indeed by force of a law deprive the Nobles of their birth-right, and transfer the *Auspices* to those who could not take them without impiety; but that no such law would prevail against the immortal Gods, whose anger at the profanation of their rites was sufficiently declared by the defeat of the army, and the death of its Commander.

Liv. B. 7.
c. 6.

Servilius the surviving Consul, with the approbation of the Senate, named to the Dictatorship *Appius Claudius*, the man who had the most distinguished himself in the opposition made to the new law complained of.

While

Y. of R. While *Appius* was raising a second army at *Rome*, the
 391. *Hernici*, flush'd with their success, advanced to attack
 Bef. J. C. the camp of the *Romans* under the command of *C. Sul-*
 361. *picius*, who had been Lieutenant to *Genucius*, and had
 93d Con- since that General's defeat collected his scatter'd troops.
 sulship. The *Romans* courageously sallied out of their entrench-
 ments, and repulsed the enemy. *Appius* soon after ar-
 rived with his new levies, and having rewarded the
 bravery of the Lieutenant and his soldiers with praises,
 prepared for a general battle.

On the other hand, the *Hernici*, in order to preserve
 the advantage they had gained over *Genucius*, exhausted
 their whole country of men to reinforce their army,
 and, among the multitude of their soldiers, chose out
 three thousand two hundred, whom they divided into
 eight *Coborts*, of four hundred each. These were the
 flower of their army, and made a separate corps that
 their valour might be the more conspicuous; and to en-
 gage them to behave themselves bravely, their Gene-
 rals honour'd them with marks of distinction, promised
 them double pay, and exempted them from all the
 drudgery of military service. In the general action,
 which soon followed, when the *Roman Knights* had
 made several efforts in vain to disorder the enemy's bat-
 talions, and when with permission of their General they
 had dismounted, and placed themselves in the first line
 of the foot, the eight chosen *Coborts* made head against
 them, so that the flower of both nations came now to a
 close engagement. The victory was a long time doubt-
 ful, and it seemed to be only the *better fortune* of the
Romans which determined it in their favour. However,
 they lost a fourth part of their army, and a great num-
 ber of *Knights*. *Appius* had no Triumph granted him,
 which can be imputed to nothing but the unwilling-
 ness of the People to do honour to the most declared
 enemy of the *Plebeian* party.

Y. of R. §. IV. AND now notwithstanding the misfortune of
 392. *Genucius* and the murmurs of the Nobility, the *Centu-*
 Bef. J. C. *ries* made no scruple to chuse a Consul out of the *Ple-*
 360. *beians* for the next year. *C. Licinius Calvus Stolo* was
 94th Con- elected
 sulship.
 c. 9.

elected a second time; and with him was joined C. *Sul-* Y. of R.
picius, surnamed *Peticus*. Under these Generals the 392.
Romans advanced into the country of the *Hernici*, and Bef. J. C.
 finding no enemy in the field, laid siege to *Ferentinum*. 360.
 This place having surrendered, they took the road to 94th Con-
Rome; but when they came to *Tybur*, they found the fulship
 gates shut against them. There had been frequently
 misunderstandings between the Republic and the *Ty-*
burtes, but now it was war declared; and the *Romans*
 perhaps believing that the *Tyburtes* could not have the
 confidence to think of coping with the Republic, unless
 encouraged by some secret intelligence with the *Gauls*,
 who were in motion, thought proper, as in time of im-
 minent danger, to name a *Dictator*. *T. Quintius*
Pennus was the person nominated to that dignity; and
 he appointed *S. Cornelius* to be his General of the
 Horse.

The apprehensions of the Republic were not ground-
 less. The *Cisalpine Gauls* having taken arms again to
 revenge their defeat, came and encamped three miles
 from *Rome*, near one of the bridges of the *Anio*. The
Romans, under the command of the Dictator, immedi-
 ately advanced to meet them. Nothing but the river
 parted the two armies, and neither party endeavoured
 to break down the bridge, lest it should seem to argue
 fear. This bridge became the scene of many combats
 between the champions of the two armies. One day
 a *Gaul* of a gigantick size advanced upon the bridge,
 and challenged the stoutest of the enemy to single com-
 bat. His extraordinary stature struck such a terror in-
 to the bravest of the *Romans*, that not one of them for
 a long Time durst enter the lists against him. Young Livy. B. 7.
Manlius alone, who had so remarkably signaliz'd his c. 10.
 piety to his father, thought he had found a danger wor-
 thy of his valour. He went to the *Dictator*, and asked
 permission of him to encounter the *Gaul*: "For," said
 he, "though I were sure of victory, I would never
 " fight out of my rank without your command; but if
 " you will give me leave, I will shew that huge beast,
 " that I am descended of the same family which drove
 Vol. II. B b " the

Y. of R. "the *Gauls* headlong from the *Capitol*. Go, *Manlius*,"
 392. answered the Dictator, "and be as courageous for the
 Bef. J. C. "glory of thy country, as thou wast for the defence of
 360. "thy father." The two champions came soon to an
 94th Con- engagement. *Manlius* had for this combat chosen a
 sulship. short sword made both for cutting and stabbing, and
 artfully getting within the long one of his enemy, gave
 him two stabs, and laid him breathless on the ground.

* In La- The *Gaul* had a Collar * about his neck, which *Mar-*
 tin Tor- *lius* took from him, and put it about his own in token
 quis. of victory; and hence it was that he got the surname
 of *Torquatus*, which descended to his posterity. The
 event of this single combat seem'd to the *Gauls* so bad
 Livy, B. 7. an omen for the rest of the war, that they abandon'd
 c. 11. their camp in the night, and dispers'd themselves in
Campania. Nor could they well have retired to their
 own country without the assistance of the *Tyburtes*, who
 furnished them with provisions.

Y. of R. This people had too openly declared against the Re-
 393. public to be suffer'd to go unpunish'd; and so soon
 Bef. J. C. therefore as the *Consuls* for the new year, *M. Fabius*
 359. *Ambustus* and *C. Poetelius Libo* entered upon their office,
 95th Con- levies were made at *Rome* to chastise them. *Poetelius*
 sulship. conducted this war, while *Fabius* marched against the
Hernici, who persisted in their revolt. The Republic
 was at this time destitute of all assistance from abroad.
 The very *Latines*, formerly so attached to her, stood ab-
 solutely neuter. In the mean time the *Gauls* ventur'd
 to advance again to the very neighbourhood of *Rome*,
 and block'd up the gate *Collina*. To make head against
 these dangerous enemies, the Republic named *Servilius*
Abala Dictator, without recalling either of the *Consuls*,
Servilius came to an engagement with the *Gauls* under
 the very walls of *Rome*, where the *Romans* fighting
 within sight of their fathers, wives, and children, were
 irresistible. The *Gauls* fled towards *Tybur*, and being
 favour'd by the *Tyburtes*, who made a sally to facilitate
 their retreat, enter'd it, notwithstanding the opposition
 of *Poetelius*, who attack'd them in their flight. *Poetelius*
 nevertheless obtained a Triumph, while his Colleague
Fabius,

abius, who had fought with success against the *Hernici*, had only an *Ovation*. The *Dictator*, who had most deserved a *Triumph*, declined that honour, and laid down his *Dictatorship*.

CHAP. VI.

I. *A domestic sedition, which is soon quell'd. An incursion of the Tyburtes, who are soon repulsed. The commencement of a new war against Rome by the Tarquinienſes.* §. II. *The Gauls appear on a sudden in the plains of Præneste. C. Sulpicius, named Dictator, with an army, strengthened by the Latines, marches against them. By the help of a new stratagem he obtains a compleat victory. The Hernici, and the Tarquinienſes are vanquiſhed by the Romans.* §. III. *Two new Tribes are form'd. A Law is paſs'd against openly canvassing for votes. Another fixing the legal interest of money at One per Cent. per month. Licinius Stolo, author of the law against any man's poſſeſſing more than five hundred acres of land, is convicted of a breach of it. A law is paſſed against holding the Comitia in any place but Rome.* §. IV. *The Falifci and Tarquinienſes having engaged all Hetruria to take part with them against Rome, C. Marcius Rutilus, the PLEBEIAN Consul of the laſt year, is named DICTATOR by Popilius the PLEBEIAN Consul of this, to the great diſpleaſure of the Nobles. He obtains a compleat victory over the enemy, and has a Triumph, in ſpite of the oppoſition of the Senate. Two Patricians are choſen to the Conſulate, contrary to the intent of one of the Licinian laws, and the cuſtom for eleven years paſt. The next year the Falſces are again in the hands of two Patricians; and likewise the year following. T. Manlius (who had never been CONSUL) is named DICTATOR to conduct an army against the Cœrites.*

Y. of R.

§. I. **T**HE Tyburtes made a jeſt of *Poetelius's* Tri-³⁵⁴
umph, and threatened to be ſoon again at ³⁵⁸
the gates of Rome. This made the Romans ſenſible, ^{96th} Con-
that ſhip.

Y. of R. that these enemies were neither conquered nor humbled ;
 394. and the new Consuls therefore, *M. Popilius Laenas* and
 Bef. J. C. *Cn. Manlius Imperiosus*, would probably have led an
 358. army into the territory of *Tybur*, if they had not been
 96th Con- hinder'd by a sudden rising in the City, of the People
 fullship. Livy B. 7. against the Senate. *Popilius* was *Pontifex* to the God-
 c. 12. deities *Carmenta*, as well as *Consul*, and was just offering
 Cic. in a sacrifice, when he received the news of the commo-
 Brut. tion. He ran from the altar in his Pontifical Robe to
 the place where the People were assembled, and by his
 influence put a stop to the sedition. And because the
 robe he then wore was *Laena*, he thence got the name
 of *Laenas*. But *Popilius* was very soon obliged to assume
 the Soldier. A handful of *Tyburtes*, out of a bravado,
 and to make good their late threatenings, came in the
 dead of the night to the very gates of *Rome*, and alarm'd
 the City. The two Consuls, as soon as it was day,
 marched out with their troops at different gates, and
 easily repulsed these bold enterprisers, whose attempt
 served only to re-establish tranquillity in *Rome*, and to-
 tally extinguish the sedition.

In this same year the *Tarquinienses*, a people of *Hetru-
 ria*, enter'd the *Roman* territory in arms; nevertheless
 the *Romans* postponed their revenge till they had chosen
 new *Consuls*.

Y. of R. §. II. THE persons elected were *C. Fabius Ambustus*
 395. and *C. Plautius Proculus*. The hostilities of the *Tarqui-*
 Bef. J. C. *nienses* were soon followed by a new alarm from the *Boii*,
 357. who appear'd on a sudden in the plain of *Præneste*, and
 97th Con- advanced as far as *Pedum*. But in the midst of these dis-
 fullship. Livy, B. 7. tresses of the Republic, the *Latines* (for what reason is
 c. 12, 13, uncertain) very seasonably renewed their ancient treaty
 14. of alliance with *Rome*, and furnish'd her with the same
quota of men as formerly. With this re-inforcement she
 was in a condition to make head against all her enemies.
C. Sulpicius was named Dictator to conduct the war
 against the *Gauls*. With the best Legions of the *Consu-*
Appian. in lar armies, strengthened by the *Latin* auxiliaries, he
Celtic. took the field, and met the enemy. Both armies were
 very

very ardent to engage; but the *Dictator* restrained the impetuosity of his troops, thinking it better policy not to run the hazard of a battle, since the *Gauls* must necessarily be distressed for want of provisions, having prepared no magazines, and being no longer supplied by the *Latines*. The soldiers however did not enter into their General's views, and universally murmured against him, as a timorous commander of brave men. They came in crowds to the *Dictator's* quarters, and demanded access to him, having named *Sextius Tullius*, (a man of distinguish'd courage, and who for seven years past had been first Captain of the first *Corps* in the army) to be their speaker. *Sulpicius* was surprized to find himself surrounded by a number of mutineers, and especially to see *Sextius* at their head, whom he had thought an unblameable officer. *Sextius*, in the name of the army, reproached him with the disadvantageous opinion he seemed to have entertained of the valour of his troops, and urged him to lead them to the enemy. His speech to the *Dictator* was followed by the acclamations of the multitude, who all cried out for leave to arm and march to battle. *Sulpicius* found himself under a necessity of promising to comply with their desires; but then, taking *Sextius* aside, he asked him, 'What it was that had put him at the head of a Faction?' The brave *Centurion* reply'd, that it was not any want of respect to his General, or ignorance of the Martial Laws; but to prevent the soldiers chusing an insolent leader, who might do something injurious to the dignity of the *Dictator*. He then advised *Sulpicius* to yield to the desires of the soldiers, who otherwise seemed inclined to seize the first opportunity of fighting, whether he would or not. An accident presently convinced the *Dictator* of the truth of what *Sextius* had told him. Two beasts of burden, which escaped out of the *Roman* intrenchments, and were seized by the *Gauls*, had like to have been the occasion of a general action. The *Roman* soldiers were with difficulty restrained by their Centurions. *Sulpicius* therefore thought it no longer proper to delay the engagement,

Y. of R. gagement, and gave notice in the camp that he would offer battle the next day.

395. The *Romans* being inferior to the *Gauls* in number. Def. J. C. the *Dilector*, to remedy this disadvantage, made use of a stratagem which had never been practised before. 357. He ordered his Muleteers to put upon their mules the 97th Con- furniture of war-horses, to mount them, march silently up to the hills, and hide themselves in the woods till they received farther orders. This extraordinary body of troopers, to the number of about one thousand, appearing opportunely in the plain in the heat of the action, so intimidated the *Gauls*, who fear'd to be surrounded, that they presently dispersed and fled, losing more men in their flight than in the action, for few of them escaped the slaughter.

Sulpicius, when he had been honoured with a Triumph, and had made a present of some of the enemy's spoils to *Jupiter Capitolinus*, abdicated the Dictatorship, and the Government returned into the hands of the two *Consuls* for the year. *Plautius* vanquished the *Hernici*, and totally subdued them. But *Fabius* was defeated in battle by the *Tarquinienses*, who, to shew their contempt to the Republic, cut the throats of 300 Roman prisoners. However, the Conciliation of the *Latines*, the total Overthrow of the *Gauls*, and the Reduction of the *Hernici*, made this a prosperous year for the Republic. Rome was now in almost as flourishing a condition as before it was taken by King *Brennus*.

§. III. SOME Roman Citizens being at this time sent into the *Pomptin* Territory, to stop the incursions of the *Veliterni* and *Privernates*, form'd a new Tribe there, called *Pomptina*, which with the Tribe *Publica*, or *Popilia*, lately established in the territory of the *Volsci*, made the whole number of the Tribes twenty seven.

At this time likewise, a law was made, at the motion of *Poetelius* the Tribune, and with approbation of the Senate, against openly canvassing for votes. It was occasioned by the ambition of the *Novi Homines*, or

upstart

upstart Gentlemen, who, not content with soliciting Y. of R. suffrages in the *Forum Romanum*, went even to the country fairs, and other public meetings, to buy voices. ^{395.} ^{Bef. J. C.} This, says *Livy*, was the first law of the kind preferred ^{357.} ^{97th Con-} to the People; nevertheless, according to the same au- ^{fulship.} ^{B. 4. c. 25.} thor, a law was pass'd in the year 321, forbidding the candidates to make their robes whiter than ordinary, and this * in order to give a check to the practice of ^{* Tollendæ} ^{ambitionis} ^{caussa.} canvassing for offices.

Under the following administration of *C. Marcius* ^{Y. of R.} ^{396.} *Rutilus* and *Cn. Manlius* † *Imperiosus*, the interest of money, which before was arbitrary, was, at the motion ^{Bef. J. C.} ^{356.} of the *Tribunes of the People*, settled at One per Cent. ^{98th Con-} ^{fulship.} per month. This regulation so displeased the avaricious *Patricians*, that, to revenge themselves on the † a second *Plebeians*, they cited the famous *Licinius Stolo* to an- ^{time.} ^{Livy, B. 7.} ^{c. 16.} ^{Val. Max.} ^{B. 8. c. 6.} ^{Pliny, B.} ^{18. c. 3.} swer for the breach of one of the four laws (which he himself had so zealously promoted) prohibiting any Citizen to possess more than five hundred acres of

* *Livy's* words are, De UNCIARIO FOENORE——rogatio est perlata, &c. “The interest of money both in *Rome* and *Greece*, was high for a considerable time. Simple interest was exacted monthly in both places, at the rate of one per cent. per month.—The *Romans* paid a Denarius a month for 100 Denarii: and it is mentioned by *Cicero* as monthly.—And because the *As* was reckoned any Integer, it was likewise called *Asses Usuræ*: So that *Asses Usuræ* and *Centesima Usuræ* are the same thing.—*Livy* and *Tacitus* mention the *Fœnus Unciarium*, and *Semiunciarium* as high, which, according to the proportion of the *As*, being but $\frac{1}{2}$ or $\frac{1}{4}$ in the month, must only make 1 or $\frac{1}{2}$ per Cent. per Annum. And the Law of the XII. tables forbids, *Ne quis unciario fœnore amplius exerceto*. So it is expressed by *Tacitus*. These expressions cannot be interpreted according to the analogy of the tables, but differ from all the others, and they certainly denote the *Centesima Usuræ*: But how this way of expression in these two authors has happened, I can give no account: It seems they put the *Uncia* for the *As* or *Integer*.—*Semis Usuræ* or $\frac{1}{2}$ per Cent. per month, six per Cent. a year, which *Pliny* calls *civilis et modica*, came to be the public and customary interest of money; for the *Asses Usuræ* came to be a grievance, and occasion'd great tumults among the people: yet still he that took it was not reckoned to transgress any law; and there were some greedy Usurers that exacted double, triple, nay four times as much.” *Arbutnot*, chap. xxii. *Of the interest of money.*

Y. of R. land. *Licinius* actually possessed a thousand; but, to
 396. cover his breach of the law, had emancipated his son,
 Bef. J. C. and made him the nominal possessor of one half of
 356. them. However, he was convicted, before the *Prætor*,
 98th Con- of fraud, and fined ten thousand ^o *Asses of Brass*. These
 sulship, intestine commotions being over, the *Consul Marcins*
 was order'd to conduct an army against the *Præternates*,
 who the year before had declared against *Rome*. *Marcins*
 routed the enemy in the field, and pursued them
 to *Prævernum*, which, to preserve it from being plun-
 der'd, they immediately surrender'd.

But *Cn. Manlius*, the other *Consul*, gain'd little glory
 in his expedition against the *Falisci*, whom he had been
 sent to punish for several insults on the Republic. No-
 thing was talk'd of in *Rome*, but his attempt upon the
 Constitution. He had ventured to assemble the *Tribes*
 Livy, B. 7. near *Sutrium*, and had there made a law in his camp,
 c. 16. "That the twentieth part of the price of every slave,
 "thereafter sold, should be paid into the public Trea-
 "sury." The Senate had consented to this law, not-
 withstanding the irregularity of holding the *Comitia* by
Tribes in the Camp. But the *Tribunes of the People*
 thought this step of the *Consul* of dangerous consequence
 to the public liberty; and therefore got a law pass'd,
 forbidding any man to assemble the People in *Comitia*,
 any where but in *Rome*, upon pain of death. How-
 ever, the law relating to the twentieth part of the price
 of slaves was not repealed.

Y. of R. §. IV. THE *Consuls* for the following year, *M.*
 397. *Fabius* * *Ambustus* and *M. Popilius* † *Laenas* (both a se-
 Bef. J. C. cond time) no sooner entered on their office, than they
 355. took their Military employments by lot. *Popilius* com-
 99th Con- manded the army which was to act against the *Tyburtes*.
 sulship. He found them shut up within their walls; and ravaged
 * A 2d their lands without opposition. But *Fabius* had a more
 time. difficult war to manage against the united *Falisci* and
 † A 2d *Tarquinienses*. They stirred up all *Hetruria* against the
 time. Republic. The *Hetrurians* advanced towards the Ro-

* Or 32l. ss. 10d. *Arbustus*.

man Territory, as far as the *Salt-Pits*, on the banks of *Y. of R.* the *Tiber*; and their approach obliged the *Romans* to have recourse to the usual remedy in great emergencies. The *Consul Popilius* was ordered to name a *Dictator*; and as he was a *Plebeian* himself, he pitched upon *C. Marcius Rutilus*, the *Plebeian Consul* of the last year, to raise him to that dignity. The *Dictator* likewise chose a *Plebeian*, *C. Plautius Proculus*, to be his General of Horse: so that now the government of the Republic was almost entirely in the hands of men of true merit, chosen out of the People. The *Patricians*, stung with jealousy at these promotions, did all they could to hinder the *Dictator* from having the necessaries for the war: but, on the other hand, the People hastened the preparations for the campaign, and the General marched out to meet the enemy. He surprised their camp, forced it, and took eight thousand prisoners. Notwithstanding so compleat a victory, the Senate opposed the Triumph of a *Plebeian Dictator*; but the People did him justice, and he enter'd *Rome* triumphantly the day before the *Nones of May*.

And now the time drawing nigh for electing new *Consuls*, and *Fabius* not being at *Rome*, the Nobility pretended that it was unlawful for any *Plebeian*, tho' a *Dictator*, to preside in the *Comitia*; because by the *Pontifical* Laws the election of chief Magistrates should be consecrated by *Auguries*; and *Auguries*, said they, belong of right only to *Patricians*. And for this time they prevailed. The Republic had recourse to an *Interregnum*; and, which is very extraordinary, the *Plebeians*, in the very year in which they triumph'd most, were excluded from a share in the Government; two *Patricians* were chosen *Consuls* in the ensuing *Comitia*. The *Tribunes of the People* exclaimed against the election, as contrary to the custom practis'd for eleven years past, during which time one of the *Consuls* had always been a *Plebeian*. But the president of the *Comitia* silenced their clamour, by citing a Law † of the *Twelve Tables*, “ That only the last edicts of the People should be of force:” For they inferred that the People, by choosing

397.
Bef. J. C.
355.
99th Con-
sulship.

† See 8th
Law of the
12th Table,
Vol. II.

p. 139.

chusing two *Patricians*, had in effect abolished the former custom.

Y. of R. 398. The new *Consuls*, *C. Sulpicius* || *Peticus* and *M. Valerius Poplicola*, after a slight battle took *Empulum* from the *Tyburtes*, but did nothing else remarkable abroad during their administration. Their chief view was to keep the *Consulate* in *Patrician* hands; and when the time came for new elections, they declared that they would never resign their dignity to any other than *Patricians*. This occasioned great commotions and tumults in the *Campus Martius*, insomuch that the greater number of the People cried out, that a *Secession* was necessary, and in reality quitted the assembly, leaving only the least passionate behind them. These gave their suffrages for two *Patricians*, *M. Fabius* * *Ambusti*, and *T. Quinctius Pennus*; and thus the Nobility carried their point. The *Consuls* took the field; the former against the *Tyburtes*, whom he totally subdued; the latter against the *Tarquinienfes*, on whom the *Romans* now revenged the cruelty committed on the three hundred and seven *Roman* soldiers formerly mentioned. *Quinctius* having defeated them in a bloody battle, put all the prisoners to the sword, except three hundred and fifty eight, whom he sent to *Rome*, where, by order of the Senate, they were first beaten with rods, and then beheaded. These victories extended the reputation of the *Romans*; insomuch that the *Samnites* sent an embassy to the Republic, courted her friendship, and concluded an alliance with her, probably upon the same foot as that with the *Latines* and *Hernici*. Without changing their Laws or Government, they engaged to furnish the *Romans* with troops in their necessity; and the *Romans* promised to protect them against their enemies both at home and abroad. This was constantly the first step taken by the politic Republic, in subduing the nations that lay nearest to her. She flatter'd them with the title of Allies of the *Roman* People; and when by their assistance she had made herself mistress of the more distant countries, those who had suffered themselves to be lull'd asleep under the title

tle of Allies, found themselves involved in her conquests; and tho' they were still call'd Allies, they were treated as Subjects.

Though the People were still very desirous to have one of the Consuls *Plebeian*, the Nobility, as their creditors, had them so much under at this time, that they kept the Consulship in their own hands; and *C. Sulpicius* † *Peticus* and *M. Valerius* † *Poplicola* were again promoted to that dignity. While the Republic was preparing her levies to act against the *Tarquinienfes*, she received advice from the *Latines*, that the *Volsci* were upon the point of entering the *Roman* Territory; and this obliged her to divide her forces between the two Consuls. *Sulpicius* marched into *Hetruria*, *Valerius* against the *Volsci*. *Valerius* had already encamped on the confines of the Territory of *Tusculum*, when he was recalled to *Rome* to nominate a *Dictator*. This was occasion'd by letters from *Sulpicius*, which imported, that the *Cerites* were undoubtedly disposed to take part with the *Tarquinienfes*; that his army was not strong enough to repress the insolence of these enemies united; and that even the *Falisci* had joined the latter. In order therefore to have a third army on foot, to oppose the *Cerites*, while the two Consuls check'd the progress, the one of the *Volsci*, the other of the *Tarquinienfes* and *Falisci*, *Valerius* was directed to name a *Dictator*. Accordingly he named *T. Manlius Torquatus* to that dignity, who appointed *Cornelius Cossus* to be his General of Horse. Though *Manlius* had never been Consul (a necessary step to rise regularly to the *Dictatorship*) yet his merit was such, that no opposition was made to his promotion.

But now the inhabitants of *Cere*, intimidated by the preparations made against them, instead of pursuing the war, sent an embassy to *Rome*, to implore the clemency of the Senate. The Senate referred the Deputies to the People, who being moved to compassion by the repentance of the *Cerites*, and especially when reminded that *Cere* had been formerly the *Asylum* of the *Vestals*, and the Receptacle of their Gods, granted

Y. of R.
4co.
Bef. J. C.
352.
102 Consulship.
† A 4th time.
† A second time.

Livy, B. 7.
c. 20.

Y. of R. granted them a truce for an hundred years, and the
 400. Dictator, instead of marching against them, led his
 Bef. Y. C. troops against the *Falisci*. But neither on this side did
 352. he find an enemy in the field to contend with; so that
 102 Con- having laid their country waste, he immediately re-
 fullship. turn'd to *Rome*.

CHAP. VII.

§. I. *The Magistrates take effectual measures to relieve the Debtors, in order to maintain peace at home.* §. II. *The People suffer two Patricians to be declared Consuls. Nevertheless in this very Consulate the Commons prevail for the first time to have a PLEBEIAN chosen to the CENSORSHIP.* §. III. *And notwithstanding that the present Consuls name a Dictator to hold the Comitia for the election of their successors, in order to get two Patricians chosen, M. Popilius Laenas, a Plebeian, is promoted (now a third time) to the Consulate with L. Cornelius Scipio. Cornelius falling sick, the Plebeian Consul has the sole conduct of a new war with the Gauls. A PRÆTOR acts as a General, for the first time. Two Patricians are chosen Consuls. The Gauls spread themselves on the sea-coast of Latium. M. VALERIUS (afterwards surnamed CORVUS) a Legionary Tribune, kills in single combat a Champion of the Gauls, and this occasions a general action, in which the Romans obtain the victory. Valerius, though but twenty three years of age, is chosen to be one of the Consuls.* §. IV. *The Romans conclude a Treaty with the Carthaginians.* §. V. *The Interest money is lower'd to Half per Cent. Valerius Corvus (now a second time Consul) defeats the Volsci, and takes from them Satricum. The Secular Games are celebrated for the second time.* §. VI. *A Dictator is named, on occasion of a war with a new enemy, the Aurunci. He builds a Temple, which he had vowed, during a battle with the enemy, to Juno Moneta. The year following, the Romans imagining that the Goddess, agreeable to her name MONETA, admonish'd them by Prodigies of the impending wrath of the Gods.*

P. Valerius

P. Valerius is named Dictator, to order the celebration of the *Feriae Latinae*.

§. I. **A**LL things were quiet in the city, till the time Livy, B. 7. c. 21. came for new Elections. The Dictator, who was to have presided in the *Comitia*, had formed the design of hindering any *Plebeian* being chosen to the *Consulship*; but the *Tribunes of the People* perceiving his intention, opposed the assembling of the *Centuries*, till the expiration of his *Dictatorship*, and of the *Consuls* year, both which ended at the same time. An *Interregnum* ensued; and the two parties were irreconcilable. The People began to make complaints about their debts, as well as of the infraction of the *Licinian Law*, relating to the election of *Consuls*; and the disputes grew to such a height, as seem'd to threaten an open revolt. This apprehension induced the Senate at length to suffer the *Licinian Law* to take place, and to permit the *Centuries* to chuse one of the *Consuls* out of the *Plebeians*. C. * *Marcus Rutilus*, a *Plebeian*, was joined with P. Valerius *Poplicola* in the *Consulate*. These Magistrates made it their first care to reconcile the two Parties, by easing the Debtors. To this end, they chose out five men of known probity, to take an account of all debts, and see them discharged. These five were call'd *Bankers*, and they had the command of the Public Treasury, to enable them to perform their commission, which they did to the satisfaction of all parties. Those who through sloth and carelessness, rather than want, had plunged themselves in debt, either borrowed Money of these Bankers, giving security to the public, or else deposited the value of their debts in their creditors hands, in effects, which were valued by the Bankers. By this means the greater number of the Debtors were relieved without wronging any person, and with little loss to the public.

C. DUILIUS,	Q. PUBLILIUS,
P. DECIUS MUS,	T. ÆMILIUS.
M. PAPIRIUS,	

§. II.

Y. of R. §. II. BUT while the Republic was taking these
 401. methods to secure peace at home, she was suddenly
 Bef. J. C. alarm'd with the report of a new war, which she must
 351. quickly sustain abroad against the twelve *Lucumonies* of
 103 Con- *Hetruria*; upon which the Senate immediately named
 fulship. *Julius Iulus Dictator*. The report however proved
 groundless, and was (probably) raised by the *Patricians*,
 only to get a man at the head of affairs, who might
 prevent the *Licinian Law* from taking place in the en-
 suing elections: And indeed he employ'd all his credit
 Livy, B. 7. and power to that end, but without success; for the
 c. 22. People were so warm and steady in opposing his design,
 that both he and the *Consuls* were out of office before
 they could get the *Comitia* assembled.

In the *Inter-regnum* which ensued, *C. Sulpicius Peticus*
 and *M. Fabius* governed by turns; and the People, by
 the complaisance which they had for these men, seem
 to have been actuated by some particular pique against
 the late *Dictator*, in their opposition to his desires; for
 now they readily suffer'd two *Patricians* to be raised to
 Y. of R. the *Consulship*. *Sulpicius* † himself was one of them,
 402. and *T. Quinctius Cincinnatus* the other. The former
 Bef. J. C. marched against the *Tarquinienses*, and the latter against
 350. the *Falisci*: but these two nations being tired out by
 104 Con- the calamities of war, submitted to the Republic, and
 fulship. obtained a truce for forty years.
 † A 5th
 time.

The present interval of peace seem'd a proper season
 for holding the *Comitia* to elect new *Censors*. A day
 was accordingly fixed for this purpose, and it was the
 first time that any *Plebeian* was seen to stand *Candidate*
 for that important office. *C. Marcius Rutilus*, having
 been twice *Consul* and once *Dictator*, thought he might
 well aspire to any dignity in the Republic. He was
 the first of the Commons who had been raised to the
Dictatorship; and, in spite of the opposition of the
 Nobles, he had obtain'd a TRIUMPH for his exploits
 in that station. And now, in the *Comitia* by *Centu-*
ries, he was declared *Censor* with *Cn. Manlius a Patri-*
cian.

§. III. BUT though the *Patricians* had not been able to exclude the *Plebeians* from the *Censorship*, they still hoped to secure the *Consulship* wholly to themselves; and the better to succeed in that design, the present *Consuls* named *M. Fabius Ambustus* (who had been thrice Consul) *Dictator* to preside at the next election, imagining, that an absolute Governor would be more respected in the *Comitia*, and have more influence. But notwithstanding these precautions, *M. Popilius* Y. of R. 403. *Laenas*, a *Plebeian*, was now chosen Consul, a third Bef. J. C. 342. time; and his Collegue, *L. Cornelius Scipio*, falling sick 105 Con- when he should have taken the field, the Senate had fulship. the farther mortification of seeing the *Plebeian Consul* sole General of the Troops. *Popilius* immediately or- Livy, B. 7: c. 23. der'd levies to be made, to stop the progress of the *Gauls*, who were ravaging the *Latine Territory*, and approached towards *Rome*; and to be the sooner in rea- Appian. in diness for marching, he appointed the ^b Enrollment Celtic. without the Gate *Capena*, and not upon the *Capitol*. So great a number of soldiers enlisted themselves on this occasion, that the Consul, by order of the Senate, divided them into two armies, and left one to guard the City, under the command of *M. Valerius Poplicola*, the present *Prætor*. And this was the first time that the *Prætor* was seen at the head of an army. *Popilius* with four *Legions* and some auxiliaries marched against the enemy, defeated them, plundered their camp, and led Livy, B. 24. back to *Rome* his victorious army, enriched with spoil. He was decreed a Triumph at his return; but the ceremony was deferr'd on account of a wound he had received in the battle, and of which he was not yet recover'd. His Collegue *Scipio* continued likewise still sick; so that the Republic, seeing both her chief Magistrates out of a condition to discharge their functions, desir'd them to name a *Dictator* to preside at the election of new *Consuls*. Accordingly they named *L. Fu-*

^b The gate *Capena*, now called the gate of *St. Sebastian*, led to the *Appian Way*; as we learn from *Frontinus*, who tells us, that the Censor *Appius* made a great road from this gate quite to *Capua*.

Camillus (son of the Great *Camillus*) to that dignity, who appointed *P. Cornelius Scipio* to be his General of the Horse. These two eminent *Patricians* employ'd their utmost efforts to make the election fall only on men of their own order, and they succeeded. The

Y. of R. *Dictator* prevailed to have himself chosen one of the
 404. *Consuls*; and *Appius Claudius*, surnamed *Crassus*, ano-
 Bef. J. C. 348. ther *Patrician*, was appointed his Colleague.

106 Con- And now the *Gauls*, who after their late defeat
 sulship. had fled for refuge to the hills of *Alba*, came down a-
 gain, and spread themselves upon the Sea-coast in the
 country of the *Latines*. At the same time some *Greeks*
 (from what part is uncertain) made a descent on the
 very same coast where the *Gauls* were ravaging and
 plundering, *i. e.* from the mouth of the *Tiber* to *Antium*;
 but the *Gauls*, jealous of their booty, forced

Liv. B. 7. these new invaders back to their ships. While the
 c. 25. *Greeks* still hovered about the Coast, and the *Gauls* were
 Diod. Sic. yet in *Latium*, the Republic lost one of her Generals,
 B. 16. who should have acted against these Robbers: *Appius*,
 one of the *Consuls*, died during the preparations for
 the war. It seemed expedient to nominate a *Dictator*
 to act in concert with the surviving *Consul*, but the Se-
 nate were unwilling to give *Camillus* any superior. He
 had obliged them in the late Elections, his personal me-
 rit was great, and his very name of *Camillus* was a good
 omen in a war with the *Gauls*; all these considerations
 made them accept of him as sole Governor of the Re-
 public; so that he wanted little more than a greater
 number of *Lictors* to commence a regular *Dictator*.
 His first care was to raise two armies. The *Latines*
 were summoned to furnish their contingent of *Auxilia-
 ries*; but they refused to be commanded by a *Roman*
 General; and, in a national Diet, resolved to shake off
 the dishonourable yoke. However, the *Consul* found
Roman Citizens enough, who by Law were obliged to
 serve, to compose a body of ten *Legions*, amounting to
 45,000 men. *Camillus* left two of these *Legions* to
 guard the city; gave four to *L. Pinarius* the *Prætor*,
 whom he sent to defend the sea-coast against the *Greeks*,
 and

and he himself encamped with the other four in the *Y. of R.*
Pomptin territory, a country full of marshes and rivers; ⁴⁰⁴
 for he had no design of coming to a battle with the *Bef. J. C.*
Gauls; his only view was to harass the enemy in their ^{348.}
 posts, intercept their convoys, and, if possible, to starve ¹⁰⁶ *Coh-*
 them. While both armies continued unactive, a fierce *fulship.*
Gaul of a gigantic stature appeared between the two
 camps, defying the bravest man in the *Roman Legions* *Ant. Gel.*
 to single combat. *M. Valerius*, a *Legionary Tribune*, *B. 9. c. 11:*
 great grandson of the famous *Valerius Volufius*, ac- *Livy, B. 7.*
 cepted the challenge, and is said to have obtained a vic- *c. 26.*
 tory by means of a Raven, which had perched upon *Auth. of*
 his helmet ever since day-break, and which, during *Lives of*
 the fight, flew in the face of the Giant, and so blinded *Illust.*
 him with his wings, that *Valerius* easily stabbed him. *Men,*
 The *Gauls* seeing their champion slain, immediately *c. 29.*
 crowded round his body, to hinder him from being
 stript of his armour; and the *Romans* at the same
 time ran to defend *Valerius*, and this by degrees brought
 on a general battle, in which the *Gauls* were again de-
 feated. Those of them that escaped took their way
 through the country of the *Volsci*, and crossing *Campa-*
nia, retired as far as the coasts of the *Adriatick* sea.
 As for the brave *Valerius*, the General rewarded him
 with a crown of Gold and ten Oxen; and he ever after
 bore the name of *Corvus* *.

* *Raven.*

Nothing now remained for the *Consul* to do, in order
 to finish his year with honour, but to drive away the
Greek pirates that infested the coasts of *Latium*. With
 this view he joined his army to that of the *Prætor Pi-*
narius; but the obstinacy of those adventurers, who,
 though they durst not land, continued hovering at sea,
 obliged him to keep the field longer than he had ima-
 gined. In the mean while the time for the new election
 of *Consuls* drew near, so that he was obliged to name
 a *Dictator* to preside in the *Comitia*; and on this occa-
 sion the famous *Manlius Torquatus* was again raised to
 that dignity. A *Dictator* could not fail to have a con-
 siderable influence in the assembly of the *Centuries*;
 and *Manlius*, who was extremely pleased with the ex-
 ploit

Y. of R. 405. plot of *Valerius*, so much resembling his own former
 Bef. J. C. victory over a gigantic *Gaul*, found means to prevail
 347. with the People to chuse him one of the Consuls, though
 107 Con- but twenty-three years of age, and too young to have
 sulship. a place in the Senate. With him they joined *Popilius*
Laenas, now *Consul* a fourth time.

As for *Camillus*, he made so good an appearance on the coast, that the *Greeks* not daring to come ashore, and at last wanting fresh water and other necessary provisions, put out to sea.

Liv. B. 7. §. IV. THE armies were disbanded ; and *Rome*, for
 E. 27. a short space, had neither War abroad, nor Quarrels at home. Her Tranquillity however was not compleat ; a pestilential sickness disturbed it. The Senate directed the Decemvirs to consult the Sibylline Books, and, it being there found that the *Letisternium* would be good against the plague, they ordered that notable ceremony to be performed.

But the most memorable event of the present year was *A Treaty of Friendship and Alliance between ROME and CARTHAGE*. It was made at the request of the *Carthaginians*, who sent Ambassadors to *Rome* for that end ; and it seems to have been the *first* ^b Treaty concluded

^b *Orosius*, lib. 3. cap. 7. calls the TREATY made at this time the *First*—PRIMUM illud ictum cum Carthaginiensibus foedus.

Polybius pretends, that so early as the *first year* of the *Republic*, *ROME* and *CARTHAGE* entered into a TREATY, the record of which, in the old obsolete Latin, was, in his time, still extant, and he gives us the following *Translation* of it, as made with all possible exactness.

“ THERE shall be peace and friendship between the *Romans* and
 “ the Allies of the *Romans*, and the *Carthaginians* and the Allies of
 “ the *Carthaginians*, on the following conditions :

“ The *Romans* and the Allies of the *Romans* shall not navigate be-
 “ yond the *Fair Promontory* *, unless constrained by tempest or an
 “ enemy. If at any time they shall chance to be forced ashore [be-
 “ yond that promontory] they shall not be permitted to take or buy

* That is, to the Southward of it, towards the lesser *Syrts*, as *Polybius* explains it. But the *Romans* were permitted to have trade and commerce with *Carthage* and the rest of *Africa* on the other side the *Fair Promontory*, as likewise in *Sardinia* and those parts of *Sicily* which were dependent on *Carthage*.

“ any

cluded between the two States. Cum Carthaginiensibus Y. of R.

any thing but what they need for repairing their vessels, and for their sacrifices. None shall make longer stay ashore than five days.

“ On those who shall come to traffick, no duty shall be imposed beside the Fees to the Cryer and Register; and for payment of whatever shall be sold, whether in *Africa* or *Sardinia*, in the presence of those officers, the publick Faith shall stand engaged to the seller. If any *Romans* shall come to such places in *Sicily* as are in subjection to the *Carthaginians*, they shall have justice done them in all things.

“ The *Cartbaginians* shall do nothing to the detriment of the people of *Ardea*, *Antium*, *Laurentum*, *Circeii*, or *Tarracina*, or any other of the *Latines* whomsoever, if they be subject [to the *Romans*] and if any be not subject, yet the *Cartbaginians* shall make no attempt on their towns; if they make seizure of any such towns, they shall deliver up the same unhurt to the *Romans*. They shall not build any fort in the country of the *Latines*; and in case they shall at any time land there in arms, they shall not remain there one night.” *Polyb. B. 3. c. 22.* See what is said in relation *this Treaty*, in the *Dissertation on the Credibility, &c.* prefixed to the fourth Book in the third Volume.

Polypius gives us another Treaty, as the *second*, between the two Republics, but does not tell us when it was made. It differed from the first in the following particulars.

The *Tyrians* and those of *Utica* were comprised in it. For it was a treaty between the *Romans* and their Allies on one side, and the *Carthaginians*, *Tyrians*, *Uticenses*, and their Allies on the other.

To the *Fair Promontory* were added *Maestia* and *Tarfeium*, as places beyond which the *Romans* were not to go in search of Plunder nor build a City, nor carry on any commerce. [The Geographers know the situation of these places.]

The *Romans* might trade to the towns of *Sicily*, subject to the *Carthaginians*, but were to have no commerce in *Sardinia*, nor in any part of *Africa*, except the City of *Carthage* only. Here they were to be allowed the same rights and privileges [in point of Trade] as the Citizens of *Rome* themselves; and the *Carthaginians* were to have the like treatment in all the other parts of the Empire.

if the *Carthaginians* should take any Town in the Territory of the *ines*, not under the *Roman* dominion, they might keep the Pillage & Captives, provided they relinquished the town; but if the *Carthaginians* should make any Captives among those of the *Latines*, though not subject to *Rome*, were, by a written Treaty, in consequence of amity with her, and should bring such Captives into any port, and these Captives should be discovered and challenged by any *Roman*, they should be set at liberty.

The *Romans* were to be subject to the like restrictions with regard to *Carthaginians* and their Allies. *Polyb. B. 3. c. 24.*

legatis *Romæ* *FOEDUS ICTUM*, quum amicitiam ac societatem petentes venissent. *Liv.* lib. vii. cap. 27.

Y. of R. 406. IN the following Consulship of *C. Plautius Hypsæus* and *T. Manlius Torquatus* (who, though twice *Dictator*, had never been *Consul* before) nothing remarkable happened, except the reducing of the interest of money from one *per Cent.* [per month] to half *per Cent.* and the allowing the debtors, upon their paying down one fourth of their debts, three years to discharge the remainder by annual and equal payments; and the debtors had this further relief, that no levies were made, nor taxes raised this year.

Y. of R. 407. BUT the next year, when *Valerius* * *Corvus* and *C. Poetelus Libo Visolus* were in possession of the *Fasces*, news being brought from *Latium* that the *Volsi* were soliciting the *Latines* to take arms against *Rome*, *Valerius* received orders to march and attack the Enemy, before their Confederates could join them. *Satricum*, which the *Latines* had destroyed in 377, had been rebuilt and re-peopled by the *Volsi* in 405, and was now the rendezvous of their forces. Here *Valerius* gave them battle, put them to the rout, and, having taken the town, burnt it, sparing only the Temple of the Goddess *Matuta*; after which he returned to *Rome*, and entered it in Triumph with four thousand captives before his chariot. But according to the *Capitoline Marbles*, the Triumph of *Valerius* was not the most pompous show with which the *Romans* were entertained in his Consulship; the *Secular Games**, which had been instituted in the year of *Rome* 297, were now celebrated for the second time.

Livy, B. 7. c. 28. §. VI. THE *Romans* after the Victory over the *Volsi* were attacked by the *Aurunci*, a petty nation near the confines of *Latium*, on the coast of the *Tyrrhenian* sea; and the Republic being struck with the same terror as if all *Latium* had declared against her, ordered the Consuls *M. Fabius Dorso* and *Servius Sulpicius Camerinus* to nominate a *Dictator*; the Courts of Justice were

* The nature and origin of these Games will be spoken of hereafter
that

shut up, and the Levies made with the utmost rigour. Y. of R. 408. Bef. J. C. 344
*L. Furius * Camillus*, whom the Consuls named to the *Dictatorship*, marched away to meet the enemy, and was greatly surprized, when he came within sight of them, to find that they made no better appearance than a gang of robbers. Nevertheless, because they had the hardiness to be the aggressors, and readily to offer him battle when he appeared, he thought it expedient to seek aid of the Gods; and therefore, in the heat of the conflict vowed a Temple to *Juno Moneta* *. The *Aurunci* were too weak to resist the Roman forces; *Furius* returned victorious to *Rome*; but, resigning his Dictatorship, left to others the care of performing his vow. The Senate appointed *Duumvirs* to direct the building of the Temple, promised to the Goddess. it was erected on the *Capitol*, in the same place where the house of *Marcus Manlius* had stood. The Consuls employed the Dictator's army against the *Volsci*, and coming upon them unawares, took from them *Sora*. * 2d time Dictator.

The succeeding Consuls, *C. Marcius † Rutilus* and *T. Manlius ‡ Imperiosus*, consecrated this new Temple the first ¶ of *June*, a year after it had been vowed. This ceremony was immediately followed by prodigies; thick darkness in the day-time, and a shower of stones. After consulting the Sibylline Books, the Senate judged it expedient (the multitude being full of superstitious fears) to name a Dictator, whose business should be to order the solemnization of the festival called *Ferie Latine*. *P. Valerius* being raised to that office, not only obliged the Roman Tribes, but the Nations bordering on the Roman Territory, to observe the Festival, appointing the day when each should perform their devotions. Y. of R. 409. Bef. J. C. 343. Con- fullship. † 3d time ‡ 2d time ¶ Macrob. Satur. Book 1. chap. 12. Oros. B. 3. c. 7. Livy, B. 7. c. 28.

* This name had been given to the Queen of the Gods a little before the taking of *Rome* by the *Gauls*. It was pretended, that from the Temple of *Juno* had come a voice, accompanied with an earthquake, and that the voice had admonished the Romans to avert the evils that threatened them, by sacrificing a sow with pig. Hence she was called *Moneta* §. Afterwards the Temple of *Juno Moneta* became a public Mint; and from thence the Medals, which were stamp for current coin in trade, took the name of *Moneta*, MONEY. Cic. de Divin. B. 1. n. 1

§ From *monere*.

C C 3

Severe

Severe sentences (it is said) were, at the suit of the *Ædiles*, passed this year, against the Usurers.

C H A P. VIII.

§. I. *In the administration of M. Valerius Corvus (the time Consul) and Cornelius Cossus Arvini, happens the FIRST RUPTURE between the ROMANS and SAMNITES on occasion of a war which the latter had carried with success against the people of Capua in Campania. The Campanians, to engage the Romans to succour them in their distress, make a surrender of themselves and their country to the Republic. Hereupon Valerius is directed to march an army into Campania, and Cornelius to carry the war into Samnium. Valerius, in an action with the Samnites, has the advantage.* §. II. *Cornelius, on the other hand, by an imprudent march brings his army into danger of being entirely cut off by the enemy; however, he is delivered out of his difficulty by a stratagem, suggested and executed by a Legionary Tribune named P. Decius Mus; and presently after, following the advice of the same Decius, he gains a victory over the Samnites. Decius is rewarded with many honours.* §. III. *Valerius obtains a second victory over the Samnites in Campania. These successes make the Romans respected abroad.*

Y. of R. §. I. **T**HE Dictator having, for some reason (not mentioned by the Historians) reduced the Government to an *Inter-regnum*, the President of it held the *Comitia* by *Centuries* for electing new *Consuls*. The choice fell (as the last year) upon two *Patricians*. M. *Valerius Corvus* was now raised a third time to the *Consular* dignity, and with him was joined *Cornelius Cossus*, surnamed *Arvina*. It was during their administration, that the *Romans* and *Samnites* first became enemies. A city to which the Republic had no relation at that time, sow'd those seeds of discord between the two nations, which produced a lasting hatred.

The

410.

Bef. J. C.

342.

112 Con.

sulship.

* A 3d

time.

The *Sidicini*, a people of *Aufonia*, situated beyond Y. of R. the *Liris*, being attacked by the *Samnites*, who doubted ^{410.} not to make an easy conquest of their small territory, ^{Bef. J. C.} applied themselves to the *Campanians* for assistance. It ^{342.} was the interest of the latter to succour their distressed ^{112 Con-} neighbours, and stop the progress of the *Samnites*; but ^{fulshp.} they undertook the defence of the oppressed with more ^{Livy, B. 7.} ostentation than real strength. For tho' they possess'd ^{C. 29.} a very fruitful country, and though commerce daily encreased their riches, this wealth of private persons was the weakness of the State. Luxury reigned universally; the Houses were magnificent, but the City without Fortifications. The Merchant vain of his wealth, mistook his vanity for courage, and looked down with scorn upon enemies that were not so rich as he.

This contempt, ever imprudent, often fatal, of an enemy's strength, proved the ruin of *Capua*. The *Samnites*, who had a prospect of more glory and advantage in the conquest of the *Campanians* than of the *Sidicini*, turned their arms against the former, and having defeated them in two pitch'd battles, in which the vanquish'd lost all their youth, drew near to besiege their City, that had now no other defence than weak walls, and inhabitants fill'd with consternation.

The Magistrates in this distress had recourse to *Rome*; they sent a pompous embassy to implore the alliance and assistance of the *Romans*. Their ambassadors laid before ^{c. 30.} the Senate all the motives both of glory and interest, which could engage the Republic to undertake their defence; the extremity to which they were reduced, and the power of their enemies, which would be considerably augmented by the conquest of so rich a city as *Capua*. They added, "Such is the misery of our present condition, that if we are not immediately succoured by our friends, we must fall under the power of our enemies. If you defend us, you will secure to your selves allies full of fidelity and gratitude; we shall honour you as Founders of our State, as our Parents, nay, even as the immortal Gods. If you abandon us, what will be the consequence we dread

C c 4.

" even.

Y. of R. "even to imagine." To this humble address the Senate, whether out of regard to the faith of Treaties, as ^{410.} *Livy* represents it, or to draw more solid advantages ^{342.} from the assistance they should give the *Campanians*, than a vain title and empty praises, answered the ambassadors by the Consul *Valerius*, "that they thought ¹¹² *Con-* " the *CAMPANIANS* worthy of their assistance, and *fulship.* " wished they could with honour succour them; but *Livy, B. 7.* " that the Republic had an ancient alliance with the " *Samnites*, which would not allow her to take arms " against them; that the Senate however would send " Deputies to their camp to intreat them as Friends " and Allies to desist from their hostilities." The *Campanian* Deputies had hitherto spoken only of an alliance and confederacy with the *Romans*, but now not thinking the answer they had received sufficient to build great hopes on, the chief of them (pursuant to the powers with which they had been invested before they left *Capua*) made this farther declaration: " Though " the *Romans* refuse to protect us and ours against violence and injustice, they certainly will not neglect to defend their own. The People of *Campania*, the City of *Capua*, our Lands, our Temples, every thing we have divine and human, we absolutely give and surrender to you, O *Conscript Fathers*, and to the ROMAN PEOPLE; from this time forward therefore all our losses will be yours." This said, the ambassadors prostrated themselves on the threshold of the Senate-house, and holding up their hands to the Consuls, shed a flood of tears. Self-interest and compassion made new impressions on the minds of the Senators; they were moved, says *Livy*, at the sad revolution to which human affairs are liable; to see a nation, late so rich and flourishing, so proud and luxurious, and from whom its neighbours had implored assistance against oppression, reduced in a short time to so dejected a state of mind, as to give themselves and all their possessions into the power of a foreign people. And as the donation was made in due form, by Ambassadors authorized to make it, the Senate did not think their alliance

liance with the *Samnites* obliged them to refuse it. *Y. of R.*
 Without hesitation therefore they sent away Deputies ^{410.}
 with instructions to entreat the *Samnites* as friends, to ^{Def. 7. C.}
 spare a province which belonged to *Rome*; and, in case ^{342.}
 of refusal, to give them notice, in the name of the ^{112 Con-}fulship.
 People and Senate of *Rome*, to quit the country immediately. But the *Samnite* Magistrates were so far from being intimidated by the Majesty of the *Roman* Name, that in the very presence of the Deputies, they ordered the Commanders of their Troops to go instantly and ravage *Campania*.

This insult filled both the *People* and *Senate* with in- *Livy, B. 7.*
 dignation; and the *Romans* applied themselves wholly ^{c. 32.}
 to the making preparations for a war. All the due forms of demanding satisfaction and proclaiming war by the *Feciales* having been observed, the two *Consuls* took the field, each at the head of an army. It fell to *Valerius's* lot to command in *Campania*, and *Cornelius* was to enter the country of the *Samnites*. *Valerius* posted his troops near mount *Gaurus* in *Campania*; and being there advantageously situated, he was in no haste to come to a battle, but tried the *Samnites* in slight skirmishes, to learn their way of managing their arms. At length he assembled his troops, exhorted them 'not
 ' to be afraid of new enemies, or of a new manner of
 ' fighting; bid them remember their former Victories,
 ' and by what General they were now commanded;
 ' that it was *Valerius*, who had thrice obtained the
 ' *Consulship*, not by *Intrigue*, or the *Nobleness* of his *Birth*
 ' (*honour being now the reward of merit only*) but by his
 ' bravery;' reminded them, 'that he was descended
 ' from the Great *Poplicola*, and had himself been always
 ' a *Poplicola* in the true meaning of the word. Go
 ' then, *ROMANS*,' he added, 'fall upon the enemy,
 ' and in return for my affection to you, gain me the
 ' honours of a *Triumph*.'

Never was Consul more popular; never was General ^{c. 33.}
 more tenderly beloved by his soldiers. He took a pleasure in mixing with them, and sharing the labours of the meanest among them. *Valerius* frequently made
 one

Y. of R. one at their diversions, whether Wrestling or Running,
 410. and did not disdain to enter the lists with a common
 Bef. J. C. soldier. He always kept his temper, and, whether
 342. victorious or vanquished in these exercises, his counte-
 112 Con- nance never changed. He was continually bestowing
 sulship. favours, but with a just regard to times and persons. He was easy in his private conversation, and gave every man full liberty to express his sentiments in his own manner; but as for himself, he ever maintained a certain dignity in his discourses. It was natural for Troops to love and respect a General of this character. They marched out of the camp with a more than usual ardour for victory.

When the two armies were drawn up, and faced each other, their numbers appeared to be pretty equal. The battle was fought with wonderful resolution on both sides, but the *Samnites* began at length to give ground, when the night put an end to the conflict. The *Romans* had never engaged with more stubborn enemies, and perhaps would not have known that they had gained much advantage, if the *Samnites* had not deserted their camp in the night,

Livy, B. 7. §. II. BUT whilst *Valerius* was signaling his cou-
 E 34- rage in *Campania*, his Colleague *Cornelius Cossus*, who had been advantageously posted near *Saticula* on the confines of *Samnium*, left his camp (for what reason is unknown) and marched his Troops through a mountainous country into a forest, all the roads of which were narrow, and out of which there was but one passage, and that through a deep valley. It was not in his power to alter his march, when he discovered, that both the wood and the valley were lined with *Samnites*, and that he was in a manner surrounded by the enemy. In this distress *P. Decius Mus*, a *Legionary Tribune*, proposed to the *Consul* to detach him with the *Principes* and *Hastati* of one *Legion*, to take possession of an eminence which overlooked the *Samnites*, and which they had neglected. He added, 'When you see me posted there, continue your march, without fear, through the valley; the enemy will not dare to attack you while

“ while they are exposed to our darts.” The *Con-* Y. of R.
ful approved of the motion. *Decius* was not disco- 410.
 vered by the enemy till he had just gained the emi- *Bef. J. C.*
 nence; and then the *Samnites* were in such a sur- 342.
 prise, that they could come to no determination *112 Con-*
 what to do, whether to attack the *Consul*, or *Decius*.
 In the mean time *Cornelius* took advantage of their
 irresolution, and marched through the valley without
 molestation; and soon after the night came on.

Decius had at first expected to be attacked by the
 enemy on his hill, and hoped by the advantage of the
 ground to be able to withstand them. When he found
 that they neither came to assail him, nor yet raised any
 Works between him and them, he assembled his sol-
 diers, and exhorted them not to follow the enemy's
 example, but to form some design with expedition, and
 to execute it with courage. Then while it was yet day-
 light, changing his habit with a private soldier, and be-
 ing accompanied by his *Centurions*, whom he made do
 the like, that the enemy might not distinguish them to
 be Officers, he took a view of all the avenues to the *Livy, B. 7.*
 hill, and placed centinels at them, with orders to re- *c. 35.*
 turn silently to the main body, at the second watch of
 the night. When at that hour all his men were reas-
 sembled, he laid before them the necessity of leaving
 the place where they were, and put it to the vote, whe-
 ther to stay for day-light, or march off immediately,
 and force a way through the enemy while they were
 asleep. The latter being universally approved, *Decius* *c. 36.*
 led his troops down from the rock in great silence; but
 when they had got half way through the enemy's
 camp, a *Roman* soldier struck his foot against the buck-
 ler of a *Samnite*, and the noise awakening a centinel, he
 gave the alarm in that quarter. The *Samnites* ran to
 arms, without knowing whether it were *Decius* with his
 troops, the *Consul* with his army, or some *Samnite* of
 the camp, who had disturbed their rest. In the midst
 of this uncertainty, *Decius* ordered his men to give a
 great shout, which so increased the consternation of the
Samnites, that they were in a manner frozen with fear,
 and

Bef. J. C. and the *Romans* easily made their escape. When they
 410. were come near the *Consul's* camp, *Decius* commanded
 Bef. J. C. them to halt : ' It is not fit, said he, that after so glo-
 342. rious an exploit, you should enter the camp in silence
 112 Con- ' and darkness ; rest yourselves therefore here till the
 fullship. ' light returns.' The next morning *Decius* and his
 troops marched into the camp, with the acclamations
 of the army, who called them their *Preservers*, and
 gave thanks to the Gods for their happy return. But
 when the *Consul* (having summoned all his soldiers to
 hear his harangue) was beginning to make the *Panegyric*
 of *Decius*, this brave Tribune advised him, in-
 stead of losing time in *Panegyrics*, to march away im-
 mediately, and surprise the camp of the enemy, who,
 in all probability, had sent out detachments in quest of
 him. This advice was followed ; the *Romans* surprised
 the *Samnites* scattered about the hills and woods, and
 pursued them into their camp, where thirty thousand
 of them were cut to pieces.

Livy B. 7. This success added much to the glory of *Decius*, who
 c. 37. was honoured with all the military rewards that were
 ever given to a Subaltern. Beside a Crown of Gold, he
 received from the General a present of an hundred
 Oxen, and a white Bull with gilded horns. As for the
 soldiers of his detachment, the Consul, in recompence
 of their merit, assigned them a double quantity of
 Corn, not only for the present, but during life, and he
 Liv. B. 5. gave each of them two *Saga* *. The army likewise
 shewed their gratitude to their deliverer, by put-
 ting on his head an *Obfidional Crown* b. And lastly
 his

* The *Sagum* of the *Romans* was a military habit, open from top to
 bottom, and usually fastened on the right shoulder with a buckle, or
 clasp. It was not different in shape from the *Chlamys* of the *Greeks*
 and the *Paludamentum* of the Generals. The only difference between
 them was, that the *Paludamentum* was made of a richer stuff, was
 generally of a purple colour, and both longer and fuller than the *Sa-
 gum*.

b It was customary among the *Romans* for the garrison of a be-
 sieged place to crown the General who came to its relief, and raised the

his own detachment, which he had brought safely out
of the danger into which he had led them, bestowed a
mark of distinction on their leader, and crowned him
with a *Civic Crown*, or a Crown of Oak-leaves, which
was deemed the most honourable of all rewards. Thus
adorned with three Crowns, he offered up his white
Bull in sacrifice to *Mars*, and distributed his hundred
Oxen among the companions of his danger and sharers
of his glory.

§. III. BUT the campaign was not yet ended. The
Samnites having recovered their courage, and raised
new forces, appeared before *Suessula*, a town situated
between *Nola* and *Capua*. *Valerius* marched against
them, and when he came within a small distance of
them, encamped his troops within as narrow a com-
pass as he possibly could, and by this he deceived the
enemy, for they taking a view of his camp, and find-
ing it so small, imagined the *Romans* to be but few in
number, and therefore, full of confidence, offered
them battle. *Valerius* kept close within his intrench-
ments, and made such a shew of fear, that the *Sam-
nite* soldiers were for immediately forcing his lines.
However the officers restrained their impetuosity,
and believing that the *Romans* must soon want provi-
sions, they judged it a wise part to continue quiet in
their camp, and watch them, not reflecting that the
Romans were in a friend's country, whose interest it
was to support them. In short, the *Samnites* themselves
were the first who wanted necessaries, and were obliged
to send out large detachments to convoy provisions to
their camp. *Valerius* observing this, seized the mo-
ment when the greater part of the enemy's troops
were dispersed about the country, attacked their camp,
forced it, made a great slaughter there, and then with
his cavalry chased the several parties that were abroad
foraging. In this action the *Romans* took one hundred
and seventy standards from the enemy.

the siege, with a Chaplet or Garland made of the Grass growing in
the place. It was called *Corona Obsidionalis*. A. Gell. L. 5. c. 6.

The

Y. of R. The successes of *Valerius* and *Cornelius* (to whom the
 410. Senate decreed the honours of the TRIUMPH) made the
 Bef. J. C. Republic respected abroad; the *Falisci* entered into a
 342. treaty of alliance with her, and that whole *Lucumony* of
 112 Con- *Hetruria* became *Roman*. The *Latines*, who had stood
 fulship. *neuter* to see the event of the war, commenced hostili-
 Livy, B. 7. ties against the *Peligni* (a *Samnite* nation) as it were to
 a. 38. assist the *Romans*; and lastly, the *Carthaginians* sent a
 compliment of congratulation to the Republic, with a
 present of a Gold crown of twenty five pounds weight
 to *Jupiter Capitolinus*, by way of thanksgiving for her
 victories.

Euseb.
 Chron.

By a *Census* taken this year it appeared, that the
 number of *Romans* able to bear arms amounted to
 160,000.

CHAP. IX.

*Some Cohorts of Roman soldiers, who had been left in Ca-
 pua all the winter, plot to make that delightful City
 their own, and to settle there. The measures taken by
 one of the Consuls, to defeat this scheme, occasion a de-
 sertion. The deserters are joined by great numbers of
 malecontents from Rome. They force an old soldier,
 whom they find employed in husbandry, to be their leader.
 Valerius Corvus is hereupon named Dictator, to march
 an army against the mutineers. He meets them eight
 miles from Rome, and prevails with them to submit;
 yet they, besides pardon, obtain some concessions from the
 Republic.*

Y. of R. THE Consuls for the new year were C. Mar-
 411. cius Rutilus, a Plebeian, (now raised to that
 Bef. J. C. dignity a fourth time) and Q. Servilius Abala, a Patri-
 341. cian. The latter encamped the army allotted him in
 113 Con- the neighbourhood of Rome, while the former marched
 fulship. the neighbourhood of Rome, while the former marched
 Livy, B. 7. with another into Campania. A body of Romans had,
 c. 38, 39, at the request of the Campanians, been left in Capua
 &c. all the winter to defend them from the enemy's incur-
 sions. When Marcius arrived in that City, he per-
 ceived

ived a great alteration in those soldiers of the Republic. Discipline had been neglected; their austerity of manners was changed into effeminacy, and their society into intemperance. The charms of the climate bewitched them, that they did not care to hear their own country mentioned; and the less, as at home they were oppressed by their creditors. They had entered into a plot among themselves, to drive the natives out of *Campania*, seize it for their own possession, and settle there. *Marcus* was informed of all this; and he was a man of great experience and prudence, he made use of the gentlest methods to induce them to stop their design. He check'd the sedition for the present, by indulging them in the hope, that they might put their scheme in execution whenever they pleased; or he caused a rumour to be spread, that they should spend the following winter in the same places. This hope prevailed likewise among the other Romans dispersed up and down in *Campania*. In the mean time he contrived, under various pretences, to send away the most factious, at first one by one, and afterwards by whole *Cohorts*; yet so, that no soldier was dismissed with disgrace. But at length the Troops observed the general's conduct, and penetrated into his intentions. They presently imagined, that their companions had been tried and condemned at *Rome*, and that they themselves must undergo the same fate. In this apprehension, the first expedient that occurred to them was desertion; and the soldiers of one *Cohort* were so bent upon it, that they strait marched away and posted themselves near *Anxur* in *Lautula*, which was the name the Romans gave to the narrow pass there, between the sea on one side, and high mountains on the other. To these deserters all those whom the *Consul* had dismissed, who were oppressed by debts, resorted; and new desertions following close upon the first, the malecontents in a little time increased to a moderate army, but still they were at a loss for a leader. To supply his want, they surprized by night in his bed one *T. Quintius*

Y. of R.
411.
Bef. J. C.
341.
113 Con-
sullhip.

Livy, B.
7. c. 39.

Quintius

Y. of R. *Quinctius* (an eminent soldier, who had retired from
 411. public life to his farm) and forced him to go along with
 Bef. J. C. them, and lead them as their General to *Rome*.

341. The City was so terrified at the approach of these
 113 Con- Mutineers, that the Republic had recourse to her usual
 fullship. remedy in great emergencies; the *Consul's* named a
Dictator. *Valerius Corvus* was the man pitch'd upon,
 and he at the head of an army met the Rebels eight
Fast Capit. miles from *Rome*, in the *Appian Way*. The *Dictator*
Livy, B. 7. had always distinguished himself by a tender love for
 c. 40. his soldiers; and these very mutineers were a part of
 Auth. of the Lives the victorious army which he had commanded the last
 of Illust. year. He endeavoured therefore to bring them back
 Men. to their duty by gentle methods; and, advancing into
 the middle space between the two armies, expostulated
 with them in the softest terms on their strange and un-
 accountable behaviour, so contrary not only to the
 tender regard they owed their country, but even to the
 grateful returns which he himself might have expected
 from them, considering how zealous he had ever been
 for their interests, and with what condescension and
 kindness he had always treated them in the highest
 stations to which he had been promoted, as well as in
 his private capacity. He told them, that his prayer to
 the Gods before he left *Rome* had not been to conquer
 them in battle, but to reconcile them to their country;
 and that he was so far from desiring to reduce them by
 force of arms, that if they resolved to fight, they must
 be the first to sound the trumpet for the charge, and
 must begin the attack too, before he would draw his
 sword against them. Then addressing himself to
Quinctius, "Whether it be willingly or by force, T.
 "QUINCTIUS, that you are engaged on that side, you
 "will do well, in case of a battle, to retire into the
 "hindmost ranks; it will be less dishonourable for
 "you even to turn your back and fly before your fel-
 "low-citizens, than to fight against your country.
 "But if it be only in order to peace and reconciliation
 "that you appear at the head of your party, you may
 consistently

“ consistently with your honour and duty continue Y. of R.
 “ there to be their interpreter. Speak then, make ^{411.}
 “ your demands, ask any conditions that are reason- ^{Def. J. C.}
 “ able, and they shall be granted. Nay, it will be, ^{341.}
 “ better to grant you even unreasonable terms, than ¹¹³ Con-
 “ that we should begin a detestable Civil War, and ^{fulship.}
 “ *Romans* imbrue their hands in *Roman* blood.”

Valerius had no sooner ended, than *Quintilius* turn- ^{Livy, B. 7.}
 ing to the rebels, told them with tears in his eyes, ^{c. 41.}
 that he could be of no service to their cause, unless
 in obtaining for them an advantageous peace; and
 he advised them to put themselves entirely into the
 hands of the *Dictator*, who had a fatherly affection
 for them, and leave it to him to manage their interests
 at *Rome*. This motion was followed by a shout of
 approbation; and then the *Dictator* having given the
 Mutineers hopes of all reasonable concessions, return'd
 to the City, and obtained from the Senate an Act of
 Grace, which was afterwards confirmed by the Peo-
 ple in *Comitia*. And in the same assembly, and at the
 request of the Rebels, were pass'd some new Military
 Laws, which revenge alone inspired them to demand.
 Particularly they insisted, that the pay of the Cavalry
 should be reduced; and this because not one single
 man of that corps had joined them in their revolt.
 Some authors say, that at this time all Usury was
 abolished in *Rome*, by a Law made at the motion of ^{c. 42.}
Genucius a Tribune of the People; and that the Com-
 mons pass'd likewise these other Laws; That no man
 should have the same office twice within ten years,
 or possess two different offices in the same year; and,
 that the two *Consuls* might be both chosen out of the
Plebeians. If these articles were obtained at this time,
 it is evident that the Rebel army must have been
 exceedingly formidable. *Livy* tells us, that the
 historians differ in most of the circumstances of this
 event.

CHAP. X.

§. I. *Privernum revolts, but is quick'y reduced. The Samnites turn their arms once more against the Sidicini, who being refused succour by the Senate at Rome, give themselves to the Latines, already in arms. The Campanians join the Latines. An army formed of these three nations enters Samnium.* §. II. *The Samnites send an embassy to the Republic, to complain of her suffering the Latines and Campanians to commit hostilities in Samnium. They receive an unsatisfactory answer. (Alexander King of Epirus, uncle of Alexander the Great, comes into Italy and concludes a treaty of friendship with Rome.)* §. III. *The Latines demand of the Romans as the condition of renewing the alliance between the two nations, that one of the Consuls and half of the Senate of Rome be for the future chosen out of the LATINES. This demand is rejected, and war is declared.* §. IV. *Manlius and Decius, the two Consuls, have one and the same dream concerning the event of the war.* §. V. *Manlius causes his own son to be beheaded, for a breach of discipline.* §. VI. *The Romans come to a battle with the Latines. Decius, to secure the victory to his troops, devotes himself to death. The Latines are totally routed. Manlius gives them a second overthrow, after which both they and the Campanians submit.* §. VII. *The next year, T. Æmilius, the Patrician Consul, being directed by the Senate to name a Dictator, names Q. Publilius, his Plebeian Colleague; who obtains some new laws in favour of the Plebeians.* §. VIII. *The Romans determine the fate of the several conquered Cities. The Latines, from being Allies, are made Subjects of Rome.*

Livy, B. 7. c. 42. §. I. **T**HUS was tranquillity re-established in Rome; but the condescensions shewn to rebels, and the war in which the Republic was engaged with the Samnites, induced some of her neighbours to fall off from her alliance. The Privernates, in the Consulship of

of C. * *Plautius Hipsæus* and *L. Æmilius Mamercinus*, Y. of R. made it appear, by their revolt, that the dread of ^{412.} her power was diminished. However, the Consul ^{Bef. J. C.} *Plautius*, without difficulty, subdued these Enemies: ^{340.} He defeated them in battle, took *Privernum*, and, <sup>114 Con-
sulship.</sup> though he restored it to the inhabitants, he deprived <sup>* A 2d
time.</sup> them of two thirds of their Lands, and placed a strong <sup>*Livy*, B. 8.
c. 1.</sup> garrison in the town. Thence he marched against the *Volsi* of *Antium*, and had a bloody engagement with them near *Satricum*: A sudden storm put an end to it before victory had declared for either side. It was the purpose of the *Romans* to renew the fight the next day; but the *Antiates* having numbered their dead, and being disheartened by the great loss of men they had sustained, retired in the night to *Antium*, with the same haste as if they had been vanquished in the battle.

The other Consul, *Æmilius*, who led his forces into the country of the *Samnites*, and laid it waste, met with no opposition: They sued to him for a peace. He referred the Ambassadors to the Senate, of whom they requested two things; peace with *Rome*, and permission to make war on the *Sidicini*. Both these requests they ^{c. 2.} obtained: and the *Roman* army returned home, after receiving from the *Samnites* a year's pay and three months provisions, pursuant to their agreement with the Consul, when he granted them a truce till their ambassadors should come back from *Rome*.

And now the *Samnites* turned their forces against the *Sidicini*. These, after the example of the *Campanians* in the like distress, had recourse to the *Roman* Republic for protection, offering to make an absolute surrendry to her of their Country and their Liberty: But the Senate with scorn rejected the offer as made too late, and as the meer effect of extreme necessity: Whereupon the *Sidicini* immediately gave themselves to the *Latines*, who, of their own motion, had already taken arms to attack the *Samnites*. Nor did the *Campanians* forbear to join the *Latines* in this war; so much deeper an impression did their minds retain of the injuries they

Y. of R. had received from the *Samnites*, than of the benefits they had received from the *Romans*.

^{412.} ^{340.} ¹¹⁴ ^{Con-} ^{fullep.} A considerable army, formed out of these three nations, entered *Samnium*, laying waste all before them; and in some slight engagements they had the advantage: Nevertheless their commander, who was a *Latine*, not caring to lessen his strength (destined to more important service) by too frequent skirmishes, withdrew his forces very soon out of the enemy's country.

§. II. THE retreat of the confederates gave the *Samnites* an opportunity of sending Ambassadors to *Rome*: Who, when admitted by the Senate to an audience, complained of their hard fortune, in that they suffered no less since their alliance with the *Romans*, than they had done when in enmity with them; and humbly prayed, that the *Romans* would be satisfied with having snatched out of their hands a certain victory over the *Campanians* and *Sidicini*, and not suffer them also to be subdued by those the most base and cowardly People of all *Italy*. They added, 'If the *Latines* and *Campanians* are subject to you, why don't you forbid them to enter our country in a hostile manner? If they are rebels, why don't you chastise them?' These questions puzzled the Senators, unwilling to own that they had no longer any power over the *Latines*, and fearing at the same time to alienate them entirely by a censure on their proceedings. The Consul *Plautius* therefore in the name of the Senate gave this ambiguous answer: 'The *Campanians* are our subjects, and we will force them to desist from troubling you: But as for the *Latines*, they are not restrained by our Treaty of Alliance with them from making war against whom they please.' An answer which as it left the *Samnites* in a melancholy uncertainty with relation to the intentions of the Republic, so it wholly alienated the *Campanians* by the menace it contained; and, as for the *Latines*, they grew so proud upon it, as to imagine they could now demand nothing which the *Romans* would dare to refuse. Under colour of preparing to carry on the war with the *Samnites*, they convened

convened frequent assemblies of their Chiefs, where they formed designs against *Rome*, in all which the *Campnians* took part. The *Roman* Senate, though the confederates used all endeavours to keep their consultations secret, received full information of what was doing; and, to the end that the Consuls who would have the management of so important a war, might be the sooner in commission, the *Fathers* obliged the present to abdicate before the expiration of their year: And because it was doubtful whether these Consuls quitting their Magistracy before the usual time, could, consistently with true religion, hold the *Comitia* for electing their successors, the government was reduced to an *Inter-regnum*.

§. III. *M. FABIVS* (the second *Inter-rex*) having convened the Centuries, they chose *T. Manlius* * *Torquatus* and *Decius Mus* to be *Consuls* for the new year. And now, although the *Romans* had no doubt of the defection of their allies, and especially of the *Latines*, yet the *Conscript Fathers* cited ten of the chief leaders of the *Latines* to appear at *Rome*, to receive the orders of the Republic. The *Latines* had chosen themselves two *Prætors*, or Presidents of their great Council (who were likewise to be the managers of the war) *L. Annius* and *L. Numicius*, the one a native of *Setia*, the other of *Circeii*, two *Roman* colonies. These men being especially summoned by name, assembled the Council, acquainted them with the summons, pointed out the heads upon which they presumed their examination would turn, and asked what answer they should make to the *Roman* Senate. The members of the Diet were divided in opinion; upon which *Annius* in a long har-

* *Livy* tells us (by mistake, as *Dodwell* thinks) that *Alexander* King of *Epirus*, and brother of *Olympias*, mother of *Alexander the Great*, came at this time into *Italy*, and would probably have attacked the *Romans*, had he succeeded in his first enterprises. *Aulus Gellius* (B. 17. c. 21.) reports that this prince used to say, that the country he proposed to conquer was a country of *Men*; whereas the provinces which his nephew *Alexander* went to subdue were inhabited by *Women* only.

Y. of R. rangue laid before them their own strength and flourishing condition; the credit they had with their neighbours, so as to be able to engage even the *Roman* colonies in their cause; the present weakness of the Republic, sufficiently discovered in the answer given by the Senate to the *Samnite* Deputies; and in conclusion exhorted the assembly to shake off all dependance upon *Rome*, and even to refuse an alliance with her, unless she would consent, that one of her *Consuls*, and the half of her *Senate* should for the future be chosen out of the *Latines*: And he offered to go in person to *Rome*, and make this demand in the presence of the *Senate* and *People*, and even of *Jupiter Capitolinus* himself.

- Livy*, B. 8. This motion being universally applauded, *Annius* with nine more Ambassadors, appeared soon after in presence of the *Conscript Fathers* assembled in the *Capitol*. The *Consul Manlius* spoke first, and in the name of the Senate forbade the *Latines* to make war against the *Samnites*. To this *Annius*, more like a conqueror who had taken the *Capitol* by force of arms, than an Ambassador protected by the law of nations, answered, 'That the *Romans* had chosen an ill time to give their orders in such an arbitrary manner, when the *Latines* were in nothing inferior to them. That in a union between two nations, where the strength on both sides was equal, the authority likewise should be equally shared;' and then he made the demand before mentioned: which so highly provoked the *Consul*, a man no less haughty and passionate than the *Latine Prætor*, that not being able to contain his anger, he loudly declared, 'That if the *Conscript Fathers* should ever fall into such a madness, as to receive the law from a Citizen of *Setia*, he would himself enter the Senate-house sword in hand, and kill every *Latine* he should find there.' Then turning to the statue of *Jupiter*, he invoked the God to be witness of the pride and ingratitude of the *Latines*. The rest of the Senators joined their exclamations full of disdain to those of the *Consul*; while *Annius*, as some say, in return to their repeated invocations of the Gods, who had been witnesses of the leagues and treaties between the Republic

public and the *Latines*, raised his voice, and scoffed at Y. of R.
the *Roman Jupiter*. Certain it is, that he left the Senate-^{413.}
house in a rage, and retired with such precipitation, ^{Bef. J. C.}
that stumbling at the threshold of the door, he fell from ^{339.}
the top of the steps to the bottom, and for some time ¹¹⁵ Con-
sulship.

lay senseless. *Manlius* coming, by the Senate's order,
to dismiss the Ambassadors, and seeing *Annius* prostrate
on the ground, loudly broke out into these expressions:

'It goes well!—Gods! You begin a holy war!—Yes,
'There is a Power above! Thou hast a Being, *Great*
'*Jupiter*! And it is not without reason that we have
'consecrated this temple to thee, as the Father of Gods
'and Men!—Why, *Romans*, Why, *Conscript Fathers*,
'do we delay one moment to take arms when we have
'the Gods for our leaders? I will lay the legions of the
'*Latines* as low, as their Ambassador now lies before you.'

These words, highly applauded by the People, raised
such a spirit in them, that the care of the Magistrates,
rather than any regard to the law of Nations, preserved
the Ambassadors from being insulted at their departure.

§. IV. THE Senate having passed a decree for a
war with the *Latines*, the Consuls raised two armies,
marched them through the Countries of the *Marci* and
Peligni, and being joined by the *Samnites*, encamped
in the neighbourhood of *Capua*, where the forces of
the *Latines* and their Confederates were assembled.
The night following, *Manlius* and *Decius* are said to
have seen, in their sleep, a man of a gigantic stature
and majestic look, who told them, 'That the victory
'was decreed to that army of the two, whose General
'should devote himself to the *Dii Manes*.' As soon
as it was day the Consuls communicated their dreams
to each other; expiatory sacrifices were offered to avert
the anger of the Gods; and the *Aruspices* being con-
sulted, pretended to make such discoveries in the en-
trails of the victims, as confirmed the dreams. Here-
upon, the *Lieutenants*, and the *Tribunes of the soldiers*
being called together, the will of the Gods was impart-
ed to them, lest the voluntary death (not known to be
such) of a Consul should strike a terror into the army;

Y. of R. and it was agreed between the two Consuls, that he
 413. whose troops should first give way, should rush into
 Bef. J. C. the midst of the enemy's battalions, and devote himself
 339. to certain death to save his country.

115 Con-
 fulship.

§. V. IN the same council of war it was deter-
 mined, that the ancient strict discipline should be ob-
 served, and that no officer or soldier should dare to
 fight with the enemy out of his rank; and this was
 proclaimed through all the camp; a precaution ex-
 tremely necessary at this time, when the *Romans* were
 at war with the *Latines*, with whom they were per-
 sonally acquainted (having often served together) who
 spoke the same language, were armed after the same
 manner, and observed the same way of fighting, and
 of marshalling their troops. It happened soon after
 that young *Manlius*, the *Consul's* son, being at the head
 of a detachment of horse, met an advanced squadron
 of the enemy, whose Commander knowing him, chal-
 Livy, B. 8. lenged him to single combat. *Manlius*, piqued in point
 c. 7. of honour, and forgetting the late order of the Gen-
 erals, accepted the challenge, killed his adversary, strip-
 ped him of his armour, and, loaded with the glorious spoils,
 came strait to his father's tent. 'Father, I have fol-
 lowed your example, and proved myself your son:
 'I was challenged, like you, by an enemy to single
 'combat; I have slain him, and I here lay his spoils
 'at your feet.' The *Consul* turned his back upon his
 son, ordered the troops to be assembled, and then in
 their presence made him this reply: 'Since you, *Ti-
 'Manlius*, in contempt of the Consular Dignity and the
 'Authority of a Father, and in contradiction to my
 'express orders have been so rash as to leave your rank
 'to fight the enemy; since you have destroyed, as far
 'as in you lay, that Military Discipline which has been
 'hitherto the support of the *Roman* People, and re-
 'duced me to the hard necessity of forgetting myself
 'and mine, or the regard I owe to the public interest
 'Rome must not suffer the punishment of your fault.
 'we must expiate it ourselves. A sad example shall
 'we be, but a wholesome one to the youth of the *Roman*
 'Soldiery

Soldiery. As for me, both the innate affection of a ^{Y. of R.} Father for a Son, and that specimen which thou, ^{413. Bef. J. C.} deceived by a vain appearance of honour, hast given ^{339.} of thy valour, move me exceedingly : But since either ^{115 Con-} the *Consular* authority must be established by thy death, ^{fulship.} or quite destroyed by thy impunity, I cannot think, if there be any of the *Manlian* blood in thee, thou wilt be backward to repair the breach thou hast made in the Military Discipline, by undergoing the punishment due to thy offence.' This said, he ordered the *Lictors* to tie him to a stake and strike off his head. All present were stunned at the cruel sentence, as if it had been pronounced against themselves ; and if they continued quiet, it was more out of fear and astonishment than modesty. And no sooner was the young man beheaded, and his blood seen to gush out, than, coming to themselves, they vented their anger in imprecations and invectives against the Father : But, as to the son, they covered his dead body with the spoils of the *Latine*, whom he had vanquished, and expressed their affection for him by the most pompous obsequies which they could, in the field, perform to his honour. Extreme and excessive doubtless was this severity of *Manlius* : Nevertheless, it had this good effect, that it made his army wonderfully tractable for the future, and strictly observant of discipline, which proved of great moment in the general engagement with the enemy a few days after.

§. VI. THE *Romans* on a day of battle drew up ^{Livy, B. 2.} their soldiers in three lines, distinguished by the names ^{c. 8.} of the *HASTATI*, the *PRINCIPES*, and the *TRIARI*.

The *HASTATI*, who composed the first line, had their name from the javelins called *Hastæ* which they bore.

The *PRINCIPES*, who made the second line, were so ^{Varro,} called, because originally they were placed in the front ^{Book 4-} ^{de Ling.} ^{Lat.}

* According to *Zonaras*, B. 7. *Manlius* first crowned his son as a Victor.

of

Y. of E. of the battle, and *began* ^b the attack; and in those
 413. times they were generally the richest and the noblest of
 Bel. J. C. the *Roman* youth. They fought with swords.

339. The TRIARII were so named because they made
 115 Con- the *Third* line. They were commonly veterans, or
 fullbip. the *Third* line. They were commonly veterans, or
 hardy old soldiers, the main strength and hopes of their
 party. They bore the javelin called *Pilum*, whence
 they had the name of *Pilani Milites*; and for the same
 reason the soldiers of the two lines *before* them had that
 of *Antepilani*.

Originally

Mr. Kennet thinks it probable, that this was before the institution
 of the *Hastati*.

How differently soever the *Hastati*, *Principes*, and *Triarii* might
 be armed in these times, they afterwards bore much the same arms;
 and therefore *Polybius* has not divided them in his description, but
 speaks of them all together.

In *Polybius's* time a Legion of 4000 men had 600 *Triarii*, 1200
Principes, and as many *Hastati*; the rest were *VELITES*. If the Le-
 gion happened to be more numerous, each of the three last corps was
 increased in proportion, but the TRIARII never exceeded 600.

The *VELITES* were commonly young men of mean condition;
 they had their name à *Volando*, or à *Velocitate*, from their swiftness
 or expedition. They hovered in loose order before the army.
 Their arms were

The *Spanish Sword*, which the *Romans* thought of the best shape
 and temper, and fittest for execution, being something like the *Tur-
 kish* Scymitar, but more sharp at the point. The soldiers wore it on
 their right side.

Hastæ, or light and slender javelins. Each man had seven.

Parma, a kind of round buckler 3 foot in diameter, of wood co-
 vered with leather.

Galerus, a light casque for their head, generally made of the skin
 of some wild beast.

The arms of the *HASTATI*, *PRINCIPES*, and *TRIARII* (besides
 the sword abovementioned) were the *Scutum*, the *Pilum*, the *Galea*,
 and the *Lorica*.

The *Scutum* was a buckler of wood, the parts being joined toge-
 ther with little plates of iron, and the whole covered with a bull's
 hide. An iron plate went about it without to keep off blows, and
 another within to hinder it from taking any damage by lying on the
 ground. In the middle was an iron Boss or *Umbo* jutting out, very
 serviceable to glance off stones and darts, and sometimes to press
 violently upon the enemy, and drive all before them. They are to
 be distinguished from the *Chypei*, which were less, and quite round,
 belonging more properly to other nations, tho' for some little time
 used

Originally each of these three lines was entire, there ^{Y. of R.} were no breaks or intervals between the *Manipuli* or ^{413.} companies that composed it; nor were there any void ^{Bef. J. C.} spaces left between the lines, so that the whole body of ^{339.} infantry was close and compact, like the *Macedonian* ¹¹⁵ *Phalanx* ^{fulship.}

But

used by the *Romans*. The *Scuta* themselves were of two kinds; the *Ovata* and the *Imbricata*; the former is a plain oval figure, the other oblong, and bending inward like half a cylinder. *Polybius* makes the *Scuta* four feet long, and *Plutarch* * calls them *ωδύγαις*, *reaching down to the Feet*. And 'tis very probable that they covered almost the whole body, since in *Livy* † we meet with soldiers who stood on the guard, sometimes sleeping with their head on their shield, having fixed the other part of it on the earth.

The *Pilum* was a missile weapon, which in a charge they darted at the enemy. It was commonly four-square, but sometimes round, composed of a piece of wood about three cubits long, and a slip of iron of the same length, hooked and jagged at the end. They took abundance of care in joining the two-parts together, and did it so artificially, that 'twould sooner break in the iron itself than in the joint. Every man had two of these *Pila*; and this number the Poets allude to:

Bina manu lato crispans bastilia ferro.

VIRG. ÆN. i. 317.

*Quæ duo sola manu gestans acclivis monti
Fixerat, interquet jacula——*

STATIUS, Theb. 2.

C. † *Marius* in the *Cimbrian* war contrived these *Pila* after a new fashion; for before, where the wood was joined to the iron, it was made fast with two iron pins; now *Marius* let one of them alone as it was, and pulling out the other, put a weak wooden peg in its place; contriving it so, that when 'twas stuck in the enemy's shield, it should not stand out-right as formerly; but the wooden peg breaking, the iron should bend, and so the javelin sticking fast by its crooked point, should weigh down the shield.

The *Galea* was a Head-piece, or Morrion, coming down to the shoulders, commonly of brass.

The *Lorica* was a Brigandine, or Coat of Mail, generally made of leather, and worked over with little hooks of iron, and sometimes adorned with small *scales* of thin gold; as we find in *Virgil*;

Loricam confertam hamis. *ÆN. iii. 467.* And,

Nec duplici squamâ lorica fidelis *ÆN. ix. 707.*

* *Plut. in P. Æmil.* † *B. 44.* † *Plut. in Mar.*

Sometimes

Y. of R. But at the time of this war of the *Romans* with the
 413. *Latines*, the method of marshalling the troops was
 Bef. J. C. different.

339. Between the first and second lines was a space of
 115 Con- fifty foot; and the *TRIarii* were drawn up at the di-
 fullship. stance of an hundred foot behind the *PRINCIPES*.

And as spaces were left between the lines, so like-
 wise between the *MANIPULI*, or companies of each
 line. But these openings were not so disposed, as to
 yield a *direct* passage to the enemy from the front of the
 army to the rear. The *Manipuli* of the second line
 stood behind the openings of the first, and the *Manipuli*
 of the third behind those of the second, so that the
 order of the whole resembled that of a *Quincunx*.

When the *HASTATI* happened to be overpower'd,
 they retired softly toward the *PRINCIPES*, fell into the
 intervals of their ranks, and together with them re-
 newed the fight. But if the *PRINCIPES* and the *HAS-
 TATI* thus joined were too weak to sustain the fury of
 the battle, they all fell back into the wider intervals of
 the *TRIarii*; and then all together being united into
 a firm mass, they made another effort much more im-
 petuous than any before: if this assault prov'd inci-

Sometimes the *Loricæ* were a sort of Linen Cassocks, such as
Suetonius attributes to *Galba*, and like that of *Alexander* in *Plutarch*;
 or those of the *Spanish* troops described by *Polybius* in his account of
 the battle of *Cannæ*.

The poorer soldiers, who were rated under a thousand Drachms,
 instead of this Brigandine, wore a *Pectorale* or breast-plate of thin
 brass about twelve fingers square; and this, with what have been
 already described, rendered them compleatly armed; unless we add the
Ocreæ, or Greaves, which they wore on their legs; which perhaps
 they borrowed (as many other customs) from the *Grecians*, so well
 known by the title of—*ἰσχυρπίδες Ἀχαιοί*.

In the elder times of the *Romans*, their horse used only a round
 shield, with a helmet on their head, and a couple of javelins in their
 hands, great part of their body being left without defence. But as
 soon as they found the great inconveniencies to which they were
 hereby expos'd, they began to arm themselves like the *Grecian* Horse,
 or much like their own Foot, only their shield was a little shorter
 and squarer, and their lance or javelin thicker, with spikes at each
 end, that if one miscarried, the other might be serviceable. *Kenn.*
 Antiq. P. II. B. IV. Ch. IX.

fectual,

ectual, the day was entirely lost as to the Foot, there being no farther reserves⁴¹³.

Livy speaks of the *RORARII* and the *ACCENSI*, as two corps of troops that were a kind of supernumeraries to the *TRIARII*, but not soldiers equal to them for strength or courage.^{Y. of R. 339. 115 Con}

In the middle of the space between the *PRINCIPES* and the *TRIARII*, where stood the *Roman* Eagles, the Consuls and Lieutenant Generals took their posts. Behind the Generals, the *TRIARII* (while the *Hastati* and *Principes* were fighting) kept firm with their right knees on the ground, their great bucklers on their shoulders, and resting themselves on their spears, which, pointing upwards, form'd a kind of Palisade before them.

As for the *Roman* Cavalry, they were always posted at the two corners of the army, like wings on a body, and fought sometimes on foot and sometimes on horseback, like our Dragoons. At this time there were but 300 to a Legion of 5000 Foot. Of four such Legions and 1200 Horse, the present army consisted.

The Consuls *Manlius* and *Decius*, before they drew their troops out of the camp, offer'd sacrifices to the Gods. It is said that the *Aruspex* shew'd to *Decius* the liver of his victim wounded in the friendly side (a bad omen for him,) but declared that the beast had no other mark of being unacceptable to the Gods; and that, as to *Manlius's* victim, the signs were as favourable as could be wish'd. 'Tis enough, said DE-

^b The stratagem of rallying thus by means of these openings in the lines, has been reckoned almost the whole art and secret of the *Roman* discipline, and it was almost impossible it should prove unsuccessful, if duly observed: for fortune, in every engagement, must have failed them three several times, before they could be routed; and the enemy must have had the strength and resolution to overcome them in three several encounters for the decision of one battle; whereas most other nations, and even the *Grecians* themselves; drawing up their whole army as it were in one front, trusted themselves and their fortunes to the success of a single charge. *Kennet's Antiq.* Part II. Book IV. Ch. X.

^c *A familiari parte.* The other was the *Enemy's* side of the liver, where their Doom was to be read.

“ CIUS ;

Y. of R. ' CIUS; all is well, if my Collegue has engaged the
 413. ' Gods to be propitious to HIM.'

113. *Bel. J. C.* When the day of battle came, *Manlius* commanded
 319. the right wing, *Decius* the left. It was fought on both
 115 *Con-* sides at first with equal strength and courage; but at
fulshp. length the *Roman Hastati* of the left wing were forced
 to give ground, and retire into the intervals of the
Principes. This disadvantage put *Decius* in mind of
 his agreement with his Collegue on occasion of their
 dreams. He call'd out therefore to *Valerius* the *Pon-*
tifex Maximus, to perform on him the ceremony of
 Consecration, in order to his *Devotement* to death to
 save his Legions. *Valerius* bid him put on his *Prætecta**,
 cover his head, put forth his hand under his robe to
 his chin, and then standing with both his feet upon his
 javelin repeat after him the following words: " O *Jā-*
 " *nus*, *Jupiter*, Father *Mars*, *Quirinus*, *Bellona*; O ye
 • *Indi-* " *Lares*, ye *Novensiles**, ye Deified * *Heroes*, ye Gods
getes. " who have power over us and our enemies, ye Gods
 " of Hell, I honour you, invoke you, and humbly
 " intreat you to prosper the arms of the *Roman* People,
 " and to strike their enemies with terror, affright, and
 " death; and I do for the safety of the *Roman* People
 " and their Legions *devote* my self, and, with my self,
 " the Legions and Auxiliaries of our enemies, to the
 " Infernal Gods and the Goddesses of the Earth."

Having made this prayer, he order'd his *Lieſtors* to
 go in all haste, and tell his Collegue *Manlius*, that he
 had *devoted* himself for the safety of the *Roman* army.
 Then tucking up his robe, and girding it about him, he
 mounted his horse, and rode full speed into the thickest
 of the enemy's battalions. *Livy* says, that he ap-
 peared to them more than human, and that at the sight
 of him, they seem'd as if they were planet-struck;

* White robes, bordered with purple.

* Nine Deities, according to *Varro*, brought to *Rome* by the *Sa-*
bines; viz. *Lara*, *Vesta*, *Minerva*, *Feronia*, *Concord*, *Good Faith*, *For-*
tune, *Chance*, *Health*. Some take them to be the Nine *Muses*.
C. & R.

and

and that he was no sooner fallen to the ground with Y. of R. numberless wounds, than the *Latine* Cohorts all around him dispersed themselves^{413.} and fled. As for the *Hastati* ^{Bef. J. C.} and *Principes* of the *Roman* left wing, they instantly re-³³⁹newed the charge, like men who had just received the ¹¹⁵ signal to begin the fight; and they were strengthened ^{Con-} by the *Rorarii* from the rear; the *Triarii*, with their ^{ship.} right knees on the ground, still keeping their post.

The battle continued, and the *Latines*, superior in ^{Liv. B. 8.} number, had the better in other parts of the field, ^{c. 10.} when the news was brought to *Manlius* of his Colleague's death. Having let fall some tears, and given him the praises due, he remained a short moment in doubt, whether he should then give the signal for the *Triarii* to rise; but judging it more prudent to reserve them for the finishing blow, he commanded the *Accensi*⁸ from the rear to the van. The enemy taking these fresh troops to be the *Roman Triarii*, instantly order'd their own *Triarii* to the charge; and this proved the loss of the battle to the *Latines*: for when they had wearied themselves, and broken or blunted their weapons in repulsing the *Romans* once more, and when, after they had repulsed what they fancied to be the last reserve of their enemies, they thought themselves sure of the victory, the *Roman Triarii* by order of *Manlius* appeared on a sudden, as if they had started out of the ground. Their arms were shining and their strength entire. Having received the *Hastati* and *Principes* into the intervals of their ranks, they first

⁷ *Cicero* (B. 3. de Nat. Deor.) derides that superstitious credulity, which ascribed such wonderful effects to these *Devotements*. He could not conceive how men of sense could form to themselves any such beings as mischievous Gods, who thirsted after human blood. So that he looked on these voluntary *Devotements* as no more at bottom than heroic acts of valour, or the last efforts of Generals, who, when their troops were disheartened and broken, threw themselves into the midst of the enemy's battalions, in order to engage their soldiers to follow them.

⁸ Father *Rouillé* on this occasion speaks of the *Accensi*, as light arm'd soldiers, who fought with slings; but if so, how could the *Latines* mistake them for the *Roman Triarii*?

gave

Y. of R. gave a shout, that dismayed the enemy, and then fell upon them with such fury, and made so terrible a slaughter, that scarce a fourth part of their army escaped.

413.
Bef. J. C.
339.
115 Con-
sulship.

This battle was fought not far from mount *Vesuvius*. During the action the *Samnites*, drawn up in *Battalia*, at the foot of that mountain, served to keep the *Latines* in fear: or perhaps (as some writers reported) they came to the assistance of the *Romans*, after the conflict was over. *Manlius* acquired great honour by his conduct in this important day; both *Latines* and *Romans* agreeing afterwards in opinion, that whichever army he had commanded must have been victorious.

Liv. B. 8. Those of the *Latines* who escaped the slaughter, and
C. 11. were scattered about the country, collected themselves soon after into one body, and took shelter at *Vesuvius* near the *Liris*. Here *Numicius* their General exhorted and encouraged them to try the fortune of arms once more with the *Romans*; and his motion was approved. In order to get an augmentation of his troops, he artfully caused letters to be spread about in *Latium* and the country of the *Volsci*, representing the flight of the *Latines* as only an honourable retreat; and by this means he drew to his camp many, who had not assisted at the late action; and having thus hastily formed a new army, he marched immediately away, taking the road to *Capua*. *Manlius*, informed of the enemy's motions, met them in their march, gave them another overthrow, and then enter'd *Latium* to lay it waste. He met with no resistance; the *Latine* towns surrender'd at discretion, as did *Privernum* in the territory of the *Volsci*. *Campania* was likewise totally brought into subjection. The *Consul* dispossessed the *Campanians*, *Latines*, and *Privernates* of their estates, and distributed them among the Commons of *Rome*. However, the *Latines* and *Campanians* were not all deprived of their estates without distinction. The *Laurentini* in *Latium*, and the *Campanian* Knights to the number of sixteen hundred, had not been concerned in the revolt; and they were therefore continued in their possessions and privileges;

privileges; nay, the latter were made *Citizens* of *Rome*, Y. of R. 413. Def. J. C. 339. but without right of suffrage; and an annual pension of 400 ^a *Denarii* was assigned to each of them out of the public revenues of *Campania*.

Manlius had deserved the honours of a Triumph, 115 Con- sulship. Fast. Capit. and doubtless he obtained them (though *Livy* says nothing of it.) But he could not recover the good will of the *Roman* youth; they bore him an implacable hatred for his severity, none but the old men went out to meet him at his return to *Rome*. Soon after, he fell sick; and as a *Roman* General was wanted in the field, to oppose some fresh incursions of the *Antiates*, he named to the Dictatorship *L. Papirius Crassus*, who appointed *L. Papirius Cursor* to be his *Master of the Horse*. The Dictator kept his troops some months in the field at free quarter, and then returned to the city to preside at the election of new *Consuls*. Livy, B. 3. c. 12.

§. VII. IT had been customary, for some time past, Y. of R. 414. Def. J. C. 338. to observe the law which directed to chuse one of the two *Consuls* out of the *Plebeians*; and now *Q. Publilius*, 116 Con- sulship. Ibid. a *Plebeian*, was joined with *Tib. Æmilius*, a *Patrician*, in the Government. The former proving successful in an expedition against a body of *Latines* (rebellious on account of their lands being taken from them) obtained the honours of a Triumph. Upon which *Æmilius*, jealous of his Colleague's glory, demanded the same honours, as the reward for some advantage he had gained over another body of *Latines* assembled at *Pedum*, though he had not finished his expedition; but the *Conscript Fathers* absolutely refused his request, till he should take that place either by surrendry or assault, a refusal so highly resented by *Æmilius*, that never did any *Tribune of the Commons* inveigh more bitterly against the Nobility, than the *Patrician Consul* did on this occasion. The subject of his harangues was the unequal distribution the Senate had made of the Lands in *Latium*; and he began to raise a disturbance. The Senate, to put an end to it, order'd him to name a Dic-

^a 14 l. 10 s. 7 d. $\frac{1}{2}$. *Arbutnot.*

Y. of R. ^{414.} tator, under pretence of carrying on the war more vigorously against the *Latines*. *Æmilius* obey'd, but at
 Bef. J. C. ^{338.} the same time revenged himself on the *Conscript Fa-*
 116 Con- ¹¹⁶ *thers*, by nominating his *Plebeian* Colleague *Publius*,
 fulship. who appointed *Brutus Scæva*, another *Plebeian*, to be his *General of the Horse*. The *Dictator* being a man entirely devoted to the *Commons*, immediately seized this favourable opportunity to establish their rights, and even to extend their privileges. And these things he effected by three Laws which he passed, 1. *That the Decrees made by the Commons, at the request of their Tribunes, should be observed by all the Romans* [the *Quirites*.] 2. *That, for the future, the laws which were to be pass'd by the Centuries should be authoris'd^k by the Senate before they were put to the vote, in the Comitia; whereas hitherto the Comitia Centuriata had used to pass the laws first, and the Senate to accept or reject them as they pleased.* 3. *That one of the Censors should always for the future be a Plebeian.*

Livy, B. 8. The Senate, much mortified at this downfall of the
 c. 13. *Patricians*, resolved to revenge themselves on *Æmilius*; and, knowing him to be very tender of his honour, attacked him on that side. To shew the *Romans* how negligently he had conducted himself in the discharge of the commission he had received to finish the *Latine*
 Y. of R. war, they order'd the new *Consuls*, *L. Furius Camillus*,
 415. ^{415.} grandson of the Great *Camillus*, and *C. Mænius*, a *Ple-*
 Bef. J. C. ^{337.} *beian*, to undertake the same enterprize, and to lay
 117 Con- ^{337.} siege to *Pedum*. And that the Generals might not be
 fulship. foil'd in the attempt, they plentifully furnish'd them with men, provisions, arms, and proper engines. Upon the report of *Camillus's* march to besiege *Pedum*, the forces of *Tybur*, *Præneste*, *Aricia*, *Lanuvium*, *Velitrae*, and *Antium* hasten'd to relieve the place; but these troops were defeated, and *Camillus* the same day took

¹ Ut Plebiscita omnes Quirites tenerent. This Law seems to be of the same import with that passed by *Horatius* and *Valerius* in 304, the year after the Decemvirate.

^k Ut legum, quæ Comitibus Centuriatis ferrentur, ante initum suffragium patres auctores fierent.

the town by assault. The *Consuls* having finished the Y. of R. war, and totally subdued *Latium*, returned to *Rome*, ^{415.} *Ref. J. C.* where they not only had the honours of a Triumph, ^{337.} but, by order of the Republic, two *Equestrian* statues ¹¹⁷ erected for them in the *Forum*. ^{Con-} ^{ful-} ^{ship.}

And now the great affair in the Senate was to determine the fate of the conquer'd. *Camillus*, in his harangue upon this occasion, told the *Fathers*, that the success of their arms against the *Latines* had been such, that it now depended on their pleasure *whether LATIUM should be any more*; but that it deserved their consideration, whether it would not be of greater advantage to the Republic to shew mercy to the conquer'd, and admit them to the privileges of *Roman Citizens*, thereby increasing the number of her subjects, than utterly to exterminate them, and reduce their country to a desert. The *Consul* declared himself for the first, and the *Conscript Fathers* in general were inclined to clemency: but as some of the *Latine* Cities had been more criminal ^{*Livy*, B. 3.} than others, they made a distinction in their treatment ^{c. 14.} of them. *Lanuvium*, *Aricia*, *Nomentum*, and *Pedum*, were made *Roman* ¹ *Municipia*; their soldiers were to be incorporated in the *Legions*, and to be no longer upon the foot of *Auxiliaries*. *Tusculum* had had the same privilege before, and it was now confirm'd. But *Velitæ* was razed, and its Senate and inhabitants banish'd to another city, beyond the *Tiber*, because it had often rebell'd since it was made a *Roman Colony* (in the year 261.) *Antium* was not destroy'd; the *Antiates* were granted the freedom of *Roman Citizens*; but they were forbidden the sea; and their fleet, consisting of six * * *Flor.* Gallies, was partly burnt and partly carried away into ^{B. 1. c. 11.} the *Roman* ports. With the brass *Beaks* [*Rostra*] of

¹ The privileges granted by the *Romans* to the Municipal Towns were more or less, according to the services they had done the Republic. The Citizens of some *Municipia* had only the Title of *Roman Citizens*. Others enjoyed all the privileges properly belonging to that title; they were enrolled in the Tribes, had a right of suffrage, could stand candidates for offices, and served in the army upon the foot of *Legionaries*.

Y. of R. these vessels the *Consul Menius* adorned the Pulpit from
 415. whence the *Roman Magistrates* harangued the People,
 Bef. J. C. and hence it was ever after call'd the *Rostra*. The in-
 337. habitants of *Tybur* and *Præneste* were deprived of all
 117 Con- their lands, for having formerly assisted the *Gauls*; and
 sulship. lastly, all the *Latines* in general were forbidden to as-
 semble their Diets as formerly; to marry out of their
 respective cities; or to have common markets or fairs
 for trade.

As for *Cumæ* and *Suessula*, and the other cities of
Campania, they were treated as *Capua* had been, i. e.
 their lands were all taken from them and divided among
 the *Romans*. Thus a three year's war was ended in
 the subduing of two fine countries to the Republic; and
 the *Latines*, from being the *Allies* of *Rome*, became her
Subjects.

C H A P. XI.

§. I. *PUBLILIUS*, though a *Plebeian*, obtains the *PRÆTORSHIP*; so that all the great Dignities in the State, except those of the *Priesthood*, are now common to the two Orders.

From this year 416, to the year 425, the most memorable events are,

The invention of *Moveable Towers* and *Cover'd Galleries*, by the *Consul M. Valerius Corvus* (in the year 418) at the siege of *Cales*, the chief City of the *Aufones*, allies of the *Sidicini*. The Republic's changing the custom of raising a new army upon every change of *Consuls*. The reduction of the *Sidicini* (probably in 420.) The addition of two new Tribes (in 421) to the 27 old ones. A plot formed (in 422) by some hundreds of *Roman Women* to poison their *Husbands*. The revolt of *Privernum* (in 423.) The reduction of that City (in 424) and the courageous and noble answer given by one of the *Citizens*, when questioned by the *Roman Senate* concerning the conduct which the *Privernates* would observe for the future.

§. I.

§. I. **R**OME had never been in a better condition Y. of R.
 to attempt the Conquest of all *Italy* than now, 416.
 when those warm contentions for power at home, which Bef. 7. C.
 had often retarded the progress of the *Roman* arms 336.
 abroad, were at an end. The *Plebeians* shared almost 118 Con-
 all the great offices in the State with the *Patricians*; the sulship.
Consulship, *Quæstorship*, *Ædileship*, and *Censorship*: they
 were excluded only from the *Prætorship* and the *Sacer-*
dotal Dignities. And in the following year, when *C.*
Sulpicius Longus and *P. Ælius Patus* were in possession of
 the *Pasces*, *Publius* a *Plebeian*, stood candidate for the
Prætorship, and obtain'd it. The *Consul Sulpicius* had Livy, B. 8.
 refused to admit his name among those of the other c. 15.
 candidates; but the Senate were easy in the matter,
 thinking it perhaps unreasonable and absurd that a
Plebeian, who had been *Consul* and *Dictator*, should
 merely on account of his birth be excluded from the
Prætorship. And thus the *Plebeians* being arrived at
 the height of their desires, (for they did not yet pre-
 tend to the *Pontificate* and *Augurate*) all pretences for
 faction were entirely taken away. Real, personal mer-
 it, not high birth, not the merit of mens ancestors,
 was now chiefly regarded in the distribution of hon-
 ours: So that this period of time may more properly
 than any of the former be called *The Age of ROMAN*
VIRTUE.

The Republic, through the indolence of her present
Consuls, neglected to revenge the *Aurunci* on their ene-
 mies the *Sidicini*, who this year had invaded their coun-
 try, and made themselves masters of their principal
 City. The *Aurunci* had submitted to the *Romans* in the
Consulship of *Manlius Torquatus*, and had continued
 faithful amidst all the confusions of the *Latine* war.
 They well deserved therefore to be succour'd; and ac-
 cordingly the *Consuls* of the new year, *L. Papirius* and Y. of R.
Cæso Duilius, were now order'd to lead an army to their 417.
 assistance; and tho' the *Aufones* joined their neighbours Bef. 7. C.
 the *Sidicini*, these united forces were easily put to the 335.
 rout. They fled for shelter behind the walls of their 119 Con-
sulship.
Cities; c. 16.

Cities; and the *Consuls* return'd to *Rome* without reaping much glory from the campaign.

Y. of R. But in the following Consulship of *M. Valerius Corvus*
 418. (now raised to that dignity a fourth time) and *M. Atili-*
 Bef. J. C. *us Regulus*, the former (to whom his Colleague at the
 334- request of the Senate had yielded the command of the
 120 Con- army without drawing lots) laid siege to *Cales*, the chief
 fulship. city of the *Aufones*. He invented *Cover'd Galleries* and
Moveable Towers for screening his men, and carrying
 on the attacks, and at length took the place by
 assault.

Fast Capit. After this the two *Consuls*, having first nominated a
Dictator to preside at the ensuing elections, joined their
 forces, and marched against the *Sidicini*; but notwith-
 standing that they used all expedition to finish their
 conquest before the expiration of their year, they were

Y. of R. forced to leave the completion of it to their successors,
 419. *T. Veturius Calvinus* and *Sp. Posthumius Albinus*. As
 Bef. J. C. soon as these new Magistrates were named, and before
 333- they entered on their office, they, to make themselves
 121 Con- acceptable to the Commons, solicited and obtained a
 fulship. decree for settling a *Colony* of *Roman Citizens* at *Cales*,
 and dividing the district of that City among them; and
 that the distribution of the lands might be made the
 more equally, the Senate chose out three persons of
 known equity to conduct and settle the *Colony*, consist-
 ing of two thousand five hundred men.

Livy, B. 8. The *Romans* seem at this time to have quite abolished
 s. 17. that custom they formerly had, of raising a new army
 upon every change of chief Magistrates. An army
 raised by one General, now passed from him to his
 successor, and so on till the end of the war. Accord-
 ingly *Veturius* and *Posthumius* put themselves at the head
 of the troops which *Corvus* had commanded, and enter'd
 the country of the *Sidicini*; who, to avoid a battle,
 suffer'd their territory to be laid waste, and appeared
 no more in the field. Nevertheless, a report
 was spread at *Rome*, after the return of the *Consuls*,
 that the *Sidicini* had once more assembled a formidable
 army, and were joined by the *Samnites*, which caused

so great an alarm, that the *Consuls* by order of the Senate named a *Dictator*, as in a time of imminent danger. The choice fell upon *P. Cornelius Rufinus*. This supreme Magistrate however soon abdicated, upon some pretended defect in his inauguration. Nay, superstition prevailed so far at this time, that because a plague raged at *Rome*, and because the College of *Augurs* declared that all the *Auspices* of the year had been infected by the contagious air, the chief Magistrates were all displaced, and the Republic fell into an *Interregnum*.

Livy says nothing of what happened in the year 420, Y. of R. when *L. Papirius Cursor* and *C. Poetelius Libo Visolus* were *Consuls*, according to the *Fasti Capitolini*. It was very probably a year barren of events, unless the *Sidicini* were then subdued, which is not unlikely, since we find no other epoch of their reduction.

In the succeeding *Consulship* of *A. * Cornelius* and *Cn. Domitius*, a rumour that those terrible enemies, the *Gauls*, were preparing for a war with the Republic, occasioned the sudden nomination of *M. Papirius Crassus* to be *Dictator*; but, while he was levying troops to oppose their attempts, more certain accounts came that all was quiet on that side. Some suspicion of the *Samnites* at this time prevailing, the *Dictator* would not withdraw from the country of the *Sidicini* a Roman army that was there encamped. The *Samnites* were indeed raising troops, but it was to defend *Italy* against *Alexander* King of *Epirus*, who under pretence of succouring the *Tarentines* (then at war with the *Lucanians* and *Bruttians*) had made a descent at *Paestum*, and began to grow formidable to all the eastern parts of *Italy*. What suspended the progress of his arms, is unknown; but, after some small advantages obtained against the enemies of the *Tarentines*, he made a Treaty with the *Romans*.

The late addition of so many new *Citizens* as *Rome* had received since the reduction of the *Latines*, made it necessary to take a new *Census*, and to increase the number of the *Tribes*. To the twenty seven already

in being, were added the *Mecian* and *Scaptian*; [the first near *Lanuvium*, the second between *Tybur* and *Prænestē*.]

Y. of R. But in the midst of this repose from foreign alarms,
 422. and in the beginning of the new *Consulship* of *M. Claudius Marcellus* and *C. Valerius Potitus*, there sprung up
 Bef. J. C. in the bosom of the Republic, a new kind of monsters,
 330. more terrible than any army of invaders from abroad.
 124 Con-
 sulship. Some women of distinction, to the number of 170,
 Oros. B. 3. according to some, or 360, according to others, formed
 c. 10. a plot to poison their husbands, and took the opportunity
 Val. Max. of an epidemical distemper to put their design
 B. 2. c. 5. in execution. Their wickedness being discovered to
 Livy, B. 8. *Fabius*, one of the Curule *Ædiles*, by a slave of one
 c. 18. of the Ladies, and their persons being seized, two of the prisoners, *Sergia* and *Cornelia*, both *Patrician* women, were brought before the assembly of the People. Being there examined, they denied that in the medicines which they had prepared, and which had been found with them, there were any poisonous ingredients. The slave, to verify her accusation, proposed, that the two Ladies should take their own potions; and the experiment was immediately ordered to be made. Upon this *Cornelia* and *Sergia* desired to confer with their accomplices, which being granted, they all by agreement drank their own poison, and so delivered themselves from a more lingering death. The Republic ascribed this unheard of prodigy to a spirit of madness, sent as a punishment from the angry Gods; to appease whom, they nominated a *Dictator*, to drive a Nail into the Wall of the Temple of *Jupiter Capitolinus*.

Y. of R. This transient *Dictatorship* quickly gave way to the
 423. *Consulship* of *L. Papirius * Crassus* and *L. Plautius Vennus*.
 Bef. J. C. In the beginning of their administration, a deputation
 329. came to *Rome* from the *Poluscans* and the inhabitants of
 125 Con- *Fabrateria* (both in the territory of the *Volschi*) to demand
 sulship. protection against the *Samnites*, by whom they
 * A 2d were threaten'd with an irruption. The Senate did not
 time. reject their petition, but sent Ambassadors to desire the
 Livy, B. 8. *Samnites* to put a stop to their hostilities against these
 c. 19. two

two nations. The *Samnites* complied, and then the Y. of R. Republic immediately turned her arms against the *Privernates*. These rebels, in conjunction with some of the inhabitants of *Fundi*, were headed by *Vitruvius Vaccus*, originally of that town, which after the *Latine* war had been admitted to the rights of *Roman Citizenship*. *Vitruvius* had made himself an inhabitant of *Rome*, and had enjoyed all the privileges of a Citizen born there, but through the meer vanity of commanding an army, had excited his countrymen to revolt. However, he durst not keep the field when the *Consuls* appear'd; he fled for refuge to *Privernum*. *L. Plautius* with one part of the army, enter'd the territory of *Fundi*, the Senators of which City came out to meet him, and endeavoured to justify themselves from having any share in the revolt. The *Consul* wrote to *Rome* in their favour, and then march'd to rejoin his Colleague, who had already block'd up *Privernum*. The siege of this place was not yet over, when the Senate recall'd one of the *Consuls* to *Rome*, to preside in the *Comitia* for electing new ones. 423. Bet. J. C. 329. 125 Consulship.

The *Romans* were the terror of their neighbours; but the *Gauls* in *Italy* were the terror of the *Romans*. And the Republic being alarm'd at the news of the *Gauls* being in motion, thought fit to bring on the elections before the usual time, in order to provide fit Generals for so important a war.

L. Æmilius and *C. Plautius*, the new *Consuls*, entered on their office the very day of their election, and they drew lots for their commands. It fell to *Æmilius* to act against the *Gauls*; his Colleague was to carry on the siege of *Privernum*. How much the very shadow of the *Gauls* terrified *Rome*, may be judged of by the extraordinary preparations at this time to oppose them. Bet. J. C. 424. Bet. J. C. 328. 126 Consulship.

* In the midst of these apprehensions, the *Romans* did not forget their sports and diversions. They at this time built sumptuous Porticoes at the entrance of the *Circus*, for a shelter to the Horses, which were before so exposed to the sun, that they were often fatigued before they began the race. C. & R. All that *Livy* says, is, Carceres eo anno in circo primum statuti.

The

Y. of R. The levies were made with the utmost rigour; no excuse was allowed; the meanest artificers, and those of sedentary occupations, were without distinction put in-
 424.
 Bef. J. C. to the roll. But after all these precautions and many
 328.
 126 Con- other, advice came that the *Gauls* were quiet; so that
 sulship. *Emilius* joined his Collegue before *Privernum*. The town was taken, and the rebel *Vitruvius* being made prisoner, was condemned by the Senate to be first beaten with rods, and then beheaded. *Emilius* and *Plautius* both triumphed on account of this new conquest; and the former, who had spent but little time before the place, obtained the surname of *Privernas*.

What now remained was to punish the *Privernates*. Those of their Senators who had staid in *Privernum* after its revolt, were condemned to the same punishment which had been inflicted on the Citizens of *Ve-litrae*, that is, they were banished beyond the *Tiber*, and forbid to appear any more on this side of it, under
 Livy, B. 8. the penalty of a great fine. And though the Consul
 c. 21. *Plautius* interceded with the Senate for the innocent
 Val. Max. multitude, and particularly for the prisoners taken in
 B. 6. c. 2. the war, whom he brought to the door of the Senate-House, he did not immediately draw the *Conscript Fathers* over to his sentiments; they were divided in opinion. One of the *Privernates*, by an haughty answer, endangered all his fellow-captives. Being asked by a Senator, who inclined to rigour, what punishment he thought the *Privernates* deserved? 'The same,' said he, 'which is due to men who think themselves worthy of LIBERTY.' So brisk an answer exasperated some of the assembly, which *Plautius* perceiving endeavour'd to prevent the ill effect of it, by putting a

• The *Romans* are sometimes reproach'd with unjustly giving all the glory of an enterprize to the last General concerned in it, and who finished it, notwithstanding that the former commanders had brought it to such a maturity, as to be past the danger of abortion. But it should be considered, that this conduct in a people whose chief aim was to extend their empire was founded in wise policy: By giving all the honour of a successful war to him who ended it, they animated their Generals to exert themselves on all occasions to make a rapid conquest. C. & R.

milder

milder question to the prisoner, and which should naturally draw a softer answer from him: *Suppose*, said the Consul, 'we should pardon you; In what manner may we expect you will behave yourselves for the future?' The prisoner answered, 'If the peace you grant us be a good one, we shall maintain it faithfully and inviolably; if the terms of it be hard, don't count upon us long.' These words made different impressions on the judges. Some construed them as menaces, and as indications of a disposition to a new revolt; but the greater part and the wiser found a magnanimity in them worthy of a man and of a free man. Those especially of the Senators who had been **CONSULS** adhered to *Plautius's* opinion, who loudly declared, and repeated it often, 'That a people whose only desire was **LIBERTY**, and whose only fear was that of losing it, were worthy to become **ROMAN**.' Accordingly the Senate passed a decree in favour of the prisoners, and *Prævernum* was made a *Municipium*.

C H A P. XII.

§. I. *The Romans give umbrage to the Samnites, by planting a Colony in their neighbourhood. And the Palæopolitans make an irruption into the Roman Territory.* §. II. *A remarkable instance of the Romans abhorrence of Malice, in the prosecution of a criminal.* §. III. *A new rupture between the Roman Republic and the Samnites.* §. IV. *The Romans take some Towns from the Samnites. And Publilius takes Palæopolis by means of a stratagem laid and executed by two of the Citizens: For which exploit, though he be but a Proconsul, he is decreed a TRIUMPH.* §. V. *The Tarentines, being jealous of the growing power of Rome, by an artful stratagem seduce the Lucanians from the Roman interest, into a league with the Samnites.* §. VI. *About this time the infamous passion of a Roman, named Papirius, for one of his insolvent Debtors, occasions the passing of a law at Rome, whereby*
CREDITORS

CREDITORS are disabled from seizing the Persons of their DEBTORS.

§. I. **I**T was now customary for the *Romans* either to send *Colonies* to the conquered Cities, or to give the inhabitants the right of *Roman Citizenship*. For they had found to their cost the ill consequences of that independence in which they had left the *Latines* after their first reduction of them. In pursuance of this new policy, the Senate in the *Consulship* of *C. Plautius Proculus* and *P. Cornelius Scapula*, sent a Colony of *Romans* to *Fregellæ*, a City in the Territory of the *Sidicini*, which the *Romans* had rebuilt after the *Samnites* had razed it. The repairing and fortifying of this place, and the planting a Colony in it, gave umbrage to the *Samnites*, and proved the occasion of that furious war which soon after broke out between them and the Republic.

Y. of R.
425.
Bef. J. C.
327.
127 Con-
sulship.
Liv. B. 8.
c. 22.

In the mean time the inhabitants of *Palæpolis* made incursions into the *Roman* Territory. These People were originally *Eubæans*, who came into *Italy* and built *Cumæ*. From thence they spread themselves farther; and a Colony of *Cumans* built *Naples*, i. e. *The new City*; and finding in the neighbourhood of *Naples* a Town ready built, they possess'd themselves of it and called it *Palæpolis*, or *Palaiopolis*, i. e. *The Old City*.

§. II. THE news of this irruption of the *Palæpolitans* was brought to *Rome* just before the holding of the assemblies of the *Tribes* and of the *Centuries*; the first for the Election of *Tribunes of the People*, the second for that of *Consuls*. It is remarkable, that in the *Comitia* by *Tribes* the People at this time chose one *Q. Flavius*, a man of a most infamous character, to be one of their *Tribunes*. The occasion of it was extraordinary. He had been accused not long before of doing violence to a Lady. *Valerius*, one of the *Curule Ædiles*, was his chief prosecutor; and the evidence was clear. Fourteen of the twenty nine *Tribes* had already voted him guilty, when the accused, in order to move the rest of his judges to favour him, made vehement protestations, and called heaven and earth to witness his innocence.

Kal. Max.
B. 8. c. 1.

cence. Upon this *Valerius* cried out with a louder voice, ‘What is it to me whether thou art guilty or innocent, provided thou be destroyed?’ The *Tribes* were so offended at these words, that they acquitted the criminal by a majority of suffrages. *Flavius*, soon after, lost his mother; and it being then customary to offer sacrifices in honour to the dead, he offered a greater number of victims than usual, and, in gratitude to the People for their late favour, distributed the flesh among them. They in return now chose him *Tribune*, though absent.

§. III. THE *Comitia* by Centuries appointed *L. Cornelius Lentulus* and *Q. Publilius Philo* to be the new *Consuls*. *Publilius* marched an army towards *Palæopolis*, and foreseeing that this place would not easily be taken while supplied with men and provisions from *Naples*, he prudently encamped his troops in the narrow tract of ground between the two Cities. In the mean time *Cornelius*, who had posted himself with another army near *Capua*, to keep the *Campanians* in awe (who were thought to be gained over by the *Samnites* to join them against *Rome*) received undoubted intelligence, that the *Samnites* openly solicited the *Roman Colonies* to revolt. Upon this the Senate dispatched Ambassadors into *Samnium*, to learn the reason of a conduct so contrary to the faith of Treaties. The Ambassadors met with a haughty reception. The *Samnites* complained of the proceedings of the Republic, and particularly of the rebuilding and fortifying of *Fregellæ*, which (they said) was a wrong done to the *Samnite* nation; and to reproaches they added even menaces. The Ambassadors, without losing their temper, proposed to refer the matter to the arbitration of their common allies. Arbitrators! cried the *Samnites*, ‘we will have none, but the Gods and our Swords; Battles will determine our pretensions better than Words and Judges; Mars shall put an end to our disputes, in the plains of *Campania*. Let our armies face each other between *Capua* and *Suessula*, and there try, whether the *Samnites* or the *Romans* shall be Lords of *Italy*.’ The Ambassadors replied, ‘We shall not go whither

Y. of R. 426. 'whither our enemies invite us; but whithersoever
 Bet. J. C. 325. 'our Generals shall think fit to lead us.'

128 Con- §. IV. SUCH was the situation of affairs abroad when
 sulship. the time drew near for the new Elections. The Senate without recalling the *Consuls* to *Rome*, ordered a *Dictator* to be named to preside at them. But when *Cornelius* had nominated *M. Claudius Marcellus*, a *Plebeian*, the *Augurs* pretended, for some frivolous reason, that the nomination was invalid; and though the *Tribunes* charged the College with imposture, and with pretending Religion, when their view was only to wound the *Plebeian* interest, the Government fell into an *Inter-regnum*; and then the *Comitia* chose *C. Poetelius Libo* and *L. Papirius Mugillanus*, *Consuls* for the ensuing year. They put themselves at the head of the army which *Cornelius* had commanded, and with which he had already entered *Samnium*, and they had the good fortune to be joined by the People of *Lucania* and *Apulia*, two nations to which the *Romans* had been hitherto almost utter strangers. With this reinforcement they penetrated farther into the enemy's country, ravaged their lands, and took three Towns from them.

But these conquests were of little moment in comparison of that made by *Publius*, whom the People, at the motion of their *Tribunes*, had continued in the command of the army before *Palessopolis*, with the title of *Proconsul*. He had already, as was before mentioned, cut off the communication between that place and *Naples*, so that the besieged were much straitened for want of provisions. Nor was this the greatest calamity which the *Palessopolitans* suffered. Four thousand *Samnites* and two thousand of the inhabitants of *Nola*, a City of *Campania*, under pretence of defending *Palessopolis*, had, before it was invested, got into the Town, where they kept the citizens in a state of cruel slavery, treating them as prisoners of war, and even doing violence to their wives and to their children of both sexes. In this distress having long waited in vain for relief from the *Tarentines*, whose presence they hoped would deliver them from the oppression of their defenders, the inhabitants at length resolved to put the place into the hands of the

Roman:

Romans. The *Palæopolitans*, as has been observed, ^{Y. of R.} were originally *Greeks*, and the stratagem they made use ^{427.} of had in it much of *Grecian* artifice. *Nymphius* and ^{Bef. J. C.} *Charilaus*, the two chief Magistrates of the City, under- ^{325.} took, with the consent of the principal inhabitants, to ¹²⁹ *fulfill* two different parts in order to the execution of the common design. *Charilaus* escaped as a deserter to the Roman camp, where he applied himself to the *Proconsul*, and imparted to him the desire of his countrymen, to purchase the friendship of the *Romans* by surrendering their City to them. He declared, that he had nothing in view but the interest of his Country and of the *Roman* Republic, and demanded no condition to his own private advantage. *Publius* received him kindly, applauded his generosity, and readily entered into the scheme proposed. He put him at the head of 3000 *Romans*, who at a proper time were to attack the place in that part which was defended by the *Samnites*. In *Livy*, B. ^{c. 26.} the mean time *Nymphius*, who had staid in *Palæopolis*, inveighed most vehemently against his Collegue for his desertion, and by his counterfeited anger so effectually blinded the *Samnite* Commanders, that without any suspicion they fell into the snare he had prepared for them. He advised them, as the surest method to force the *Romans* to withdraw their troops from the neighbourhood of the City, immediately to equip the Fleet which lay in the Port, and make a descent in the *Roman* Territory; and he offered to undertake in person the execution of his project. This motion was highly approved, and as the ships lay dry on the shore, all diligence was instantly used to set them afloat. *Nymphius* contrived to have the *Samnite* Troops chiefly employed in that laborious work, which, under pretence of better concealing the design, he ordered to be done in the night; and when by this means he had left that part of the wall, by which the *Romans* were to enter, but weakly guarded, he gave notice to his Collegue, with whom he all along kept a private correspondence, to begin the attack. *Charilaus* with his 3000 *Romans* advanced without loss of time, and, being favoured by the

Y. of R. the inhabitants, easily made himself master of the place. As for the *Samnites* (who were most of them ^{427.} *Bel. J. C.* busied without the Town) finding themselves betrayed, ^{325.} they made the best of their way to their own country ^{129.} without arms or baggage, being ever after the derision of their countrymen, who continually reproached them with the *Palapolitan* Equipment.

Notwithstanding that the *Romans* had got possession of the Town by the good will of the inhabitants, yet inasmuch as it was by means of the siege that the latter were brought to take those measures they did in favour of the Republic, the *Proconsul* was decreed a *Triumph* for his success. *Livy* observes, that two particular honours were done *Publius*, which had never been done before to any *Roman*; the being continued after the expiration of his *Consulship* at the head of the same army he had commanded when *Consul*, and the being decreed a *Triumph* for exploits performed in an inferior station.

Livy, B. 8. §. V. THE taking of *Palapolis* made the *Tarentines* c. 27. jealous of the growing power of the Republic. They had a little before this lost their chief support by the death of *Alexander* King of *Epirus*, who being warned by an Oracle to avoid the Waters of *Acheron* and the City of *Pandofia*, had left his own country, in which were a City and River of those names, and met his fate in *Italy*, where there happened to be another *Pandofia* and another *Acheron*. The story, as related by *Livy*, is to this effect. The King of *Epirus* had made a descent in *Italy* to assist the *Tarentines* against the *Bruttians* and *Lucanians*; and having taken some Towns of importance from the enemy, he divided his army into three bodies, and encamped them on three different hills separated by deep vallies. The *Italian Acheron* rolled its waters in one of those vallies, and the little City of *Pandofia* stood on the banks of it. The violent rains, which came on a sudden, filled up the vallies, and cut off the communication between *Alexander's* three bodies of troops. The enemy seized this occasion to attack them separately, while they could not

not assist each other, and having easily defeated the Y. of R. two divisions of the army where the King was not, ^{427.} they strait encompassed the hill where he had posted ^{Bef. J. C.} himself. *Alexander* by his bravery forced a passage ^{325.} through the enemy, and having rallied his scattered sol- ¹²⁹ diers, came to a river, where the fresh ruins of a bridge, which the flood had broken down, pointed out the right road for him to take. While they attempted to pass the stream, uncertain whether it were fordable or not, an *Epirot* soldier, oppressed with fear and fatigue, made this sudden exclamation, *Justly indeed art thou called Acheron!* (*i. e. River of Sorrow.*) The King hearing this, and remembering the Oracle, stopt short, unresolved whether to go forward or not; but in that instant *Sotimus*, one of his Pages, telling him that his own Guards (consisting of 200 *Lucanian* Exiles, whom he had taken into his service) had in concert with the enemy plotted his destruction, and the King seeing them in reality advancing to assault him, he sword in hand pushed on his horse, and had almost reached the opposite shore, when one of these faithless guards at a *Livy, B. 8,* distance lanced a javelin at him, which pierced him ^{c. 27.} through, and killed him.

The *Lucanians* and *Apulians*, by going over to the *Romans*, and declaring for them against the *Samnites*, had much increased the uneasiness of the *Tarentines*. These therefore, who were very ready at tricks and artifices, contrived a stratagem to deceive the *Lucanians*, and bring them off from the party they had espoused. They bribed a company of young *Lucanians*, of good families, though of little honour, to tear their backs with whips, and then shew themselves to the People, pretending that they had been treated in that cruel manner by order of the *Roman Consuls*, to whose camp curiosity had led them. The *Lucanians* were so stupid a people, that, without examining into the truth of so improbable a fact, they immediately demanded a National Assembly, which being convened, it was there decreed, That war should be declared against the *Romans*; that the ancient alliances should be renewed with the *Samnites*;

Y. of R. and that an Embassy should be sent to the latter for that purpose. The *Samnites* could scarce believe the deputation real; and, before they would hearken to the Ambassadors, demanded hostages, and insisted on the Towns of *Lucania* receiving *Samnite* garrisons. These things were readily granted, nor did the *Lucanians* discover the cheat till it was too late to repent.

Livy B. 8. §. VI. AT this time the poor Debtors at *Rome* had the good fortune to shake off the heaviest yoke that lay upon them. By one of the laws of the *Twelve Tables*, Creditors were impowered to seize the Persons of their insolvent Debtors, and keep them in irons. These wretches, till they had discharged their debts by their labour or otherwise, were in all respects slaves, except in name. They were called *Nexi*, i. e. *Bound*, whereas the Slaves were called *Servi*. A young *Plebeian*, named *Publius*, of extraordinary beauty and of a good family, had voluntarily made himself a slave to one *Papirius* in order to pay his father's debts. *Papirius* conceived a detestable passion for the young man, and, upon his refusing to comply, caused him to be whipt unmercifully. *Publius* made his escape out of the house, complained publickly of the cruel usage, and told the occasion of it. The story filled the People with compassion for the young man, and with resentment and fury against his master. They gathered together tumultuously, and having by their clamours obliged the *Consuls* to assemble the Senate, presented *Publius* before them with his back all bloody and torn, and then on their knees demanded justice. The Senate had regard to their intreaties; and though they decreed nothing against *Papirius* (perhaps for want of sufficient proof) they passed a law, which was afterwards confirmed by the People in *Comitia*, 'That for the future

' no person whatsoever should be held in fetters or other bonds, unless for some crime that deserved it, and only till the criminal had suffered the punishment due by law; and that CREDITORS should have a right to attach the *Goods* only, and not the *Persons* of their DEBTORS.'

C H A P.

C H A P. XIII.

§. I. *The Vestini, a People on the coast of the Adriatic sea, take arms against Rome, to their own loss.* §. II. *L. Papirius Curfor is named Dictator to conduct the war against the Samnites. His General of the Horse, Quintus Fabius, is guilty of a breach of discipline. The severity of the Dictator on this occasion.* §. III. *Finding his soldiers ill affected to him because of his severity in command, he changes his manner on a sudden, and in a little time gains their affections. After which he reduces the Samnites to sue for peace.* §. IV. *The Senate grant the Samnites only a year's Truce, which the latter break so soon as they hear that Papirius has quitted the Dictatorship. The Romans obtain a compleat victory over them.* §. V. *The Samnites repenting of their breach of the Truce, endeavour to pacify the Romans.*

§. I. **T**HE Republic, in the following Consulate of *Y. of R.*
L. Furius Camillus and *D. Junius Brutus*, ^{428.}
 began to be embarrassed by the great numbers of ene- ^{Bef. 7. C.}
 mies she had to deal with. Beside the *Samnites* and ^{324.}
Lucanians, the *Vestini* had declared against her. These ^{130 Con-}
 were themselves an inconsiderable people upon the coast ^{sulship.}
 of the *Adriatic* sea; but they had powerful neighbours, ^{Livy, B. 9.}
 who in all probability would arm in their defence if the ^{c. 29.}
 Republic should attack them. This consideration made
 the Senate demur; but at length pride prevailed over
 prudence; it was not for the honour of *Rome* to let
 herself be insulted without revenging it. The two
Consuls therefore took their commands by lot, and it
 fell to *Camillus* to conduct the war against the *Samnites*,
 and to *Brutus* to act against the *Vestini*. *Brutus's* first
 care was to hinder the *Vestini* from joining the *Samnites*,
 which he did, by encamping on the frontiers between
 the two nations. He soon after defeated them in battle,
 and took from them *Cuttna* and *Cingilia*.

§. II. *CAMILLUS*, who had made it his business
 to keep the *Samnites* upon the defensive in their own
 country;

Y. of R. country, fell sick, and was obliged to return to *Rome*; and, being there ordered to name a *Dictator*, he pitched upon *L. Papirius Cursor*, the greatest Captain the Republic could then boast of, who appointed *Q. Fabius Rullianus* to be his *General of the Horse*. These took possession of the command of the army in *Samnium*: But there having been something obscure in the *Auspices* consulted before their departure from *Rome*, scruple and superstition tormented the *Dictator* when he came to enter upon action. To remove the pain of his doubts and fears, he returned to the City to renew the *Auspices*; but first forbade *Fabius*, with whom he intrusted the command of the army in his absence, to venture a battle with the enemy.

Fabius being fond of glory and beloved of the army, and disdaining to have his hands so tied up, resolved to hazard an action, notwithstanding the *Dictator's* prohibition. He attacked the *Samnites*, whom he found in less disorder than he had at first expected, and was once very near losing the day: But then the *Roman Cavalry*, unbridling their horses, drove upon the enemy with such sudden and irresistible impetuosity, that the latter were put into confusion, and entirely broken and defeated. Twenty thousand of them remained dead upon the field of battle. This victory made the young Conqueror grow insolent; and instead of lodging the spoils of the enemy in the *Quæstor's* hands, to be sold for the advantage of the public, he caused them all to be burnt, that they might not do honour to the *Dictator*, by being carried in his *Triumphal Procession*; neither did he send any account of his victory to the *Dictator*, but only to the *Senate*, an instance of great disrespect to the General under whose *Auspices* he had fought.

These proceedings incensed *Papirius*, and he hastened to the camp to punish his disobedient *General of the Horse*. *Fabius* having timely notice of his coming, and of his design, called together the troops, and made an harangue to them, wherein he inveighed against the *Dictator*, 'Whose resentments, he said, threatened not only *his* life, but the lives of many of the other Officers,

cers, and even of the private Soldiers, who had helped
 him to gain the victory. That therefore it was the
 common interest of the army to protect him; and
 that to them he committed the defence of his life and
 fortune.' The soldiers with one voice cried out to
 him to take courage, and they promised to defend
 him to the last breath. *Papirius*, not long after, ar-
 rived. Having instantly assembled the Troops, he or-
 dered the Crier to call *Quintus Fabius*, General of the
Horse, to appear before him. When *Fabius* was come
 near the *Tribunal*, and silence made, the *Dictator* ques-
 tioned him concerning his violation, not only of the
 common laws of Military Discipline, but of the express
 orders of a *Dictator*, whom he could not but know to
 have a sovereign authority in the Republic, and whom
 even the *Consuls* themselves, Magistrates who succeeded
 to the Regal Power, obeyed. *Fabius* had a bad cause
 to defend, and was confused in his answers; one while
 complaining that the *Dictator* was both accuser and
 judge, and then exclaiming loudly, that he would
 sooner lose his life, than the glory of his exploits; this
 moment he attempted to excuse himself, and the
 next accused the *Dictator*: which provoking *Papirius*
 still more, he commanded the *Lictors* to strip the
 criminal, and prepare their Rods and Axes. But
 when these executioners were beginning to tear off
 his clothes, he cried out to the Soldiers for assistance,
 and by some means made his escape, retiring among
 the *Triarii*. These things put the army into a great
 commotion, and raised a clamour throughout the whole
 assembly; some beseeching, others threatening. The
 officers who were near the *Dictator* endeavoured, by rea-
 soning and by intreaties, to mitigate his resentment
 against a young man of great hopes, and of a family
 so highly and so justly honoured in *Rome*. They re-
 presented to him the danger to which he might expose
 himself by too far exasperating the multitude, who,
 blind with anger, might be carried to do something ex-
 travagant and desperate. All was in vain, *Papirius*
 continued inflexible; and their remonstrances seemed

Y. of R. more to increase his indignation, than to soften him
 428. towards *Fabius*. But when he would have commanded
 Bef. J. C. silence, the noise was so great that neither his criers
 324. nor himself could be heard, and night alone put an
 130 Con- end to the tumult. *Fabius*, though summoned to ap-
 pear again the next day, did not think it prudent to
 Eutrop. B. 2. stand a second trial, but escaped to *Rome*, there to pre-
 c. 8. sent himself before less passionate judges.
 Liv. B. 8.
 c. 33.

As soon as he arrived, his father (who had been thrice *Consul* and once *Dictator*) thought it necessary to get the Senate assembled without delay, and obtain a favourable decree for him before the return of the *Dictator*. The Senate was met; young *Fabius* had already worked upon the *Fathers*, and made them think *Papirius* both unjust and barbarous, when on a sudden a great noise was heard at the door of the Temple where they were sitting. It was *Papirius* himself, attended by his *Lictors*, who were dispersing the crowd at the entrance of the sanctuary. Upon his appearance the scene changed. He took his place, ordered his *Lictors* to seize young *Fabius*, and was immediately obeyed. In vain did the oldest and most venerable Senators intercede for the criminal; *Papirius* was inexorable: so that the father of the young man having no other remedy left, appealed to the people in *Comitia*; and, though the Appeal was unprecedented, the *Dictator* did not hold it expedient to dispute the superior authority of the *Roman People*.

When the *Comitia* were formed, both the *Fabij* ascended the *Rostra* with *Papirius*; which he observing, sternly ordered the *Master of the Horse* to be pulled down. Young *Fabius* immediately descended, and his father followed him; but then the father, placing himself at the foot of the *Rostra*, broke out into bitter invectives against *Papirius* for his haughtiness and barbarity; he cited some former cases (not much to the purpose) where faulty Generals had not been so severely

* The case of *Minucius* (see Vol. II. p. 108) and that of *L. Furius*, (see Vol. II. p. 342.)

punished;

punished; he complained, that no distinction was made ^{Y of R.} between a fortunate and an unfortunate disobedience; ^{428.} and, in short, omitted nothing that could be said in so ^{Ref. J. C.} bad a cause. He clamoured, he brangled, he com- ^{324.} plained, he called upon Gods and men for help, and, ^{130 Con-} throwing his arms about his son's neck, wept over him ^{fulship.} a flood of tears. The whole assembly was moved. On the side of the *Fabii*, says *Livy*, were the majesty of the ^{Livy, B. 8.} Senate, the favour of the People, the aid of the Tribunes, ^{c. 34} and a remembrance of the absent army. *Papirius*, on his own part, spoke in a high strain, of the Dignity of his Office, the Military Laws, *Dictatorial* Edicts revered as the Oracles of Heaven, *Manlius's* rigour to his own son: He reproached the *Romans* with degeneracy from that heroic love of their country, which used to prevail over all paternal affection and private considerations: He urged the many ill consequences of admitting appeals from a *Dictator* to the *People*, and especially in cases of disobedience in war; and concluded with admonishing the Tribunes not to load themselves with the blame of being the authors of those mischiefs to the Republic, by their protection of the guilty *Fabius*.

His discourse threw both the People and their *Tribunes* into great perplexity: For tho' to receive Appeals from the sentence of a *Dictator* was to extend the exercise of the People's power, yet they were afraid of the consequence of interposing (in such a cause especially) against that high authority, which they had so often found it necessary for the safety of the Republic to lodge with a single Magistrate. Instead therefore of taking upon them to judge in the affair, they only became intercessors for the criminal, humbly beseeching the *Dictator* in the most earnest manner to pardon his *General of the Horse*. The *Fabii* themselves likewise fell prostrate at his feet, and implored his clemency. Upon this *Papirius* ordered silence to be made, and then declared, That he was satisfied: 'MILITARY DISCIPLINE has prevailed, the DICTATORIAL AUTHORITY has gained the victory. The delinquent is not acquitted, but condemned, and is pardoned at the intercession of

Y. of R. ' the *Roman People* and of their *Tribunes*; they have
 428. ' succoured him, not as innocent, not by a just ex-
 Bef. J. C. ' ercise of power, but by their prayers for mercy on a
 324. ' convicted criminal. *Live* then, **QUINTUS FABIVS**,
 130 Con- ' more fortunate in this unanimous consent of your
 sulship. ' Country to your preservation, than in the victory you
 ' a while ago so insolently boasted of. *Live*, **FABIVS**,
 ' though you have dared to commit a crime which your
 ' own Father, in my place, would not have forgiven.
 ' You shall be received again into my favour——upon
 ' any terms. But as for the *Roman People*, to whom
 ' you owe your life, the best return you can make to
 ' *them*, is to let this day teach you, whether in war or
 ' peace, to obey your lawful Commanders. Go, you
 ' are at liberty.' Thus ended this affair; and the
Romans afterwards confess'd, to the *Dictator's* honour,
 that the peril into which he brought *Fabius*, had con-
 duced as much to the support of Military Discipline,
 as the death of young *Manlius*, condemn'd by his own
 father.

§. 36. §. III. BUT while *Papirius* staid in *Rome*, the *Sam-
 nites* took advantage of his absence to insult his army;
 whose Commander *M. Valerius*, a Lieutenant General,
 was so intimidated by the example of *Fabius*, that he
 durst not oppose the hostilities of the enemy. He suf-
 fer'd a party of his foragers to be cut in pieces, rather
 than stir out of his camp to relieve them. This acci-
 dent help'd to exasperate the Troops yet more against
 the *Dictator*; who when he came to the camp (with
L. Papirius Crassus, a relation of his own, whom he had
 appointed to command the Horse in the room of *Fabius*)
 found all his men so ill-affected to him, and so little
 disposed to gain him glory, that he had no hopes of
 making any progress with them in the war. However,
 as the enemy offer'd him battle, and he could not in ho-
 nour decline fighting, he posted himself so advantage-
 ously, and drew up his Troops with so much dexterity,
 that it was not possible for them to be intirely defeated.
 When the battle was over (in which, though they had
 fought but faintly, they had not been routed) *Papirius*
 acted

acted a part which surpris'd every body. Not one officer^{Y. of R.} or soldier, who had behaved himself negligently in the^{428.} fight, was so much as reprimanded by him. He went^{Bef. J. C.} about with his Lieutenants visiting the wounded soldiers,^{324.} put his head into their tents, asked them how they did,¹³⁰ Consulship. charging their officers to have particular care of each of them by name; and all this he seems to have done without the least appearance of affectation: for we find that the army, which had always held him in esteem, came in a short time to have a most tender affection for him.

The People at *Rome* being informed of this great al-^{Y. of R.} teration in the dispositions of the soldiers towards their^{429.} commander, continued him in his employment^{Bef. J. C.}, and no Consuls were chosen for the year 429. As for *Papirius* he no longer doubted of victory, and he soon gave the enemy a total overthrow; after which he over-ran *Samnium* (leaving all the booty to his soldiers) and reduced the *Samnites* so low, that they sued for peace, which he granted them on three preliminary conditions: That they should cloath all his Troops, give them a year's pay, and get the Treaty confirmed by the Senate.

§. IV. *PAPIRIUS* having Triumphed for his late^{Livy, B. 8.} victories, held the *Comitia* by *Centuries*, where *C. Sulpicius Longus* and *Q. Aulus Cerretanus* were chosen Con-^{c. 37.} suls for the next year. When the *Conscript Fathers*^{Y. of R.} came to consider of the Peace to be made with the^{430.} *Samnites*, they disapproved of the terms offered by them,^{Bef. J. C.} and therefore granted only a Truce for a year, which^{322.} Consulship.

* *Livy* confines *Papirius's* Dictatorship to the foregoing year 428, and places the events of this year 429 in that. So that he makes *Papirius's* two Dictatorships to have been but one. Nevertheless it appears that *Papirius* was continued in his office, and created Dictator a second time. We have a convincing proof of it in the *Festus Capitolini*. They say that *L. Papirius* triumphed over the *Samnites* in the year 429, on the third of the Nones of *March*. This makes us believe that *Papirius's* Dictatorship was prolonged to the year 430: and *Livy's* silence confirms us in this opinion: for he makes no mention of any Consuls for the year 429, which is likewise omitted in the consular Annals. G. & R.

the

Y. of R. the *Samnites* broke, so soon as they heard that *Papirius*
 430. was no longer in command. At the same time the *Apu-*
 Bef. J. C. *lians* declared for them against *Rome*. The Republic
 322. thought it necessary therefore to divide her forces be-
 131 Con- tween the two *Consuls*. *Aulius* led an army into *Apulia*,
 sulship. and *Sulpicius* another into *Samnium*; but both *Samnites*
 and *Apulians* keeping themselves close in their fortified
 places, the *Roman* Generals reaped little glory from the
 campaign.

This year the *Tusculans* were tried before the *Roman*
 People upon a bill preferred by the *Tribune*, *M. Flavius*,
 to punish them for advising and assisting the People of
Velitrae and *Privernum* in the war they made upon the
Romans. The *Tusculans*, with their wives and children,
 came to *Rome*, and in the humblest manner solicited
 the People to have pity on them. All the Tribes, ex-
 cept the *Pollian*, rejected the bill. The *Pollian* would
 have had all the men scourged and beheaded, and their
 wives and children exposed to sale. Of this, the *Tus-*
culans, who were incorporated into the *Papirian* Tribe,
 retained so lasting a resentment, that, almost to the
 times of *Livy*, scarce any person of the *Pollian* Tribe,
 who stood candidate for an office, could get the vote of
 the *Papirian*.

Y. of R. *Quintus Fabius* (who had been General of the Horse
 431. to the Dictator *Papirius*) and *L. Fulvius Curvus*, the
 Bef. J. C. next year's *Consuls*, marched their joint forces against
 321. the *Samnites* (who had raised a formidable army) and
 132 Con- gave them an entire overthrow, but not without great
 sulship. difficulty. The *Samnites* had surprised the *Romans*,
 Livy, B. 8. while encamped in a place very disadvantageous both
 f. 38. for subsisting their army and for sustaining an attack;
 Fast. Capit. and when, for these reasons, the *Romans* attempted to
 retire in the night, the enemy watched them so nar-
 rowly, and pursued them so close, that the next day
 they found themselves under a necessity of hazarding a
 battle. It lasted from nine in the morning till two in
 the afternoon, without either side's giving way, or so
 much as changing the order in which they were first
 drawn up. The imprudence of the *Samnite* Cavalry
 determined

determined the fortune of the day: For, having received advice, from one of their most advanced squadrons, that the *Romans* had left their baggage a good way behind them, without any troops to defend it, greediness of plunder induced them to wheel off in order to seize the prey; and the *Consuls*, to whom early notice of their motion was brought, allowed them all the time that was necessary to load their horses with booty, and put themselves out of a condition to fight; and then ordered away the whole body of *Roman* cavalry to fall upon them. The cavalry executed the order with expedition and success: After which, fetching a compass, they came upon the rear of the *Samnite* Infantry; an unexpected attack, which struck them with terror and soon after threw them into confusion. The *Romans* pursued their advantage, and made a dreadful slaughter: Those of the *Samnites* who kept their ground, were cut in pieces by the *Roman* Foot; and those who fled, fell most of them by the swords of the Horse, and, among the rest, the General himself.

§. V. SO terrible a defeat made the *Samnites* reflect seriously on their unjust breach of the Truce with the *Romans*; and they imputed their late misfortune to the anger of the Gods, whom they supposed to be offended at the violation of their oaths. To appease them, they resolved to sacrifice the chief author of that breach; and one *Brutulus Papius*, a man of distinction, but of a turbulent spirit, was universally pitch'd upon to be the victim. They pass'd a decree, that he should be deliver'd up to the *Romans*; and that the spoil and captives taken within the time of the Truce, and, in short, whatever their *Feciales* had demanded, should be restored to them. In pursuance of this decree, *Brutulus*, with all his effects, was put into the hands of some *Samnite* ambassadors, to be carried to *Rome*; but he kill'd himself before he got there. However, they surrender'd his dead body to the *Romans*, who, of what was offer'd by way of restitution, accepted only the captives and a part of the effects, rejecting whatever could

Y. of R. could not be claimed by any private Roman as his own.

431.
Bef. J. C.

321.

132 Con-

sulship.

Fast. Capit.

Aurel. Viâ.

de Viris

Illustr. c.

32.

After this, the *Consul Fulvius* return'd to Rome, while his Colleague *Fabius* led an army into *Apulia*. That he succeeded in his expedition, appears by the *Capitoline Marbles*, where he is said to have triumph'd over the *Samnites* and *Apulians*, *Fulvius* over the *Samnites* only. One *A. Cornelius* was this year chosen *Dictator*, but he was only to preside at the *Games* in the absence of the *Consuls*, and during the sickness of the *Prætor*. However *Livy* finding that at the time of the defeat of the *Samnites* the Government was in the hands of a *Dictator*, ascribes by mistake that exploit to him. The *Capitoline Marbles* rectify the error.

C H A P. XIV.

- §. I. *The Samnites being refused a Peace, prepare to carry on the war with vigour: and they appoint one Pontius an able officer, to be their General. Pontius by a stratagem draws the Roman Legions into a dangerous pass (called afterwards the Caudine Forks) where they are surrounded by the Samnites, and have no possibility of forcing their way out of it. To save their lives they submit to shameful conditions imposed by the enemy.* §. II. *The base expedients, to which the Romans have recourse, to evade the treaty.* §. III. *Saturnia revolts from the Romans; and the Samnites surprize Fregellæ, a Roman Colony.*

§. I. **I**T had been a constant maxim with the Romans to pardon the nations which submitted, and to treat none with rigour but the proud and untractable; but their late successes made them now deviate from this rule; and notwithstanding that the *Samnites* sued to them for a peace, and endeavoured to merit it by the methods which have been related, the Senate rejected their petition, and thereby put them under a necessity of continuing the war at all hazards. And while the *Centuriate Comitia* at Rome were chusing *T. Veturius*

Livy, B. 9.
c. 1.

Peturius and *Sp. Posthumius* Consuls for the new year, Y. of R. 432. he *Samnites* in their Diet appointed one *Pontius*, an able General, to command their troops. *Pontius* exhorted the assembly not to fear a war with a People who had received restitution of wrongs with haughtiness, and had refused peace when offered upon the most reasonable terms. 'The Gods,' said he, 'are now no longer our enemies; Justice accompanies our arms, and we cannot fail of success.' He then immediately led his troops near to *Caudium* (a little Town in *Samnium*) and here encamp'd as covertly as possible. When the Consuls were come within a league of him, he caused a report to be spread, that the *Samnite* army was laying siege to *Luceria* in *Apulia*; and the more effectually to deceive the *Romans*, he ordered ten of his soldiers in the habit of herdsmen to lead some cattle into different parts, but still in the neighbourhood of the enemy, with instructions to agree all in the same report when taken prisoners by their Foragers. The stratagem succeeded. The *Romans* in a council of war resolved to march to the relief of *Luceria*; and there being two ways thither, one broad and open, but farther about than the other, which was through certain streights (called since *The Caudine Forks*) they chose the latter. The nature of the ground was this. Between two circling ridges of mountains, so covered with trees and briars as to be absolutely unfurmountable, was a pretty large marshy meadow, through the middle of which lay the road. At the hither end, the way into it was very deep and narrow through a hollow rock; the way out, at the farther end, more narrow, deep, and difficult. When the *Romans*, having pass'd the first, came to this, they found it entirely barr'd with huge stones and trees laid across: and then they also discerned great numbers of the enemy on the tops of the eminences. To avoid being invested, they instantly turned back, thinking to retire through the pass by which they had entered; the *Samnites* had already blocked it up. The consternation of the *Romans* was, inexpressible, when they perceived themselves shut in, without a possibility

Livy, B. 9. c. 2.

Entropius, Florus, Zonaras, Orosius, &c.

Y. of R. possibility of escaping. They stood silent and fix'd
 432. their eyes on one another, each to see whether he could
 Bef. J. C. discover any glimmering of hopes in his companions
 320. looks. At length the soldiers seeing the *Consuls* tent
 133 Con- pitched, and preparations making towards fortification,
 fullship. set themselves to work, without waiting for orders, to
 raise a rampart along the water, though they well knew
 it to be a fruitless labour, and were all the while
 scoffed at by the enemy. As soon as the army was en-
 camped, the principal Officers repaired of their own
 accord to the *Consuls* tent; but the case was such as
 allowed no room for counsel or debate. The Gods
 themselves, says *Livy*, could hardly have given them
 assistance. Night came on: without taking any refresh-
 ment, officers and soldiers spent the hours of rest in
 discoursing on their unhappy situation.

On the other hand, the *Samnites* could not come to
 any determination what to do with their enemies, who
Livy, B. 9. were absolutely at their mercy. After much debate it
 c. 3. was at length universally agreed to consult *Herennius*,
 the father of *Pontius*, a wise old man whom they looked
 upon as a kind of Oracle. The messenger whom they
 sent to him for his advice, brought back this answer:
 'That he counselled them not to do the least harm to
 'the *Romans*, but to open them a free passage home.'
 This advice being rejected, the same messenger was
 dispatched a second time; and then the old man sent
 word, 'That he would not have them spare the life of
 'one single *Roman*.' The strange difference between
 these two answers made the *Samnites* imagine that there
 was some mystery in the matter, and they pressed *Pon-*
tius to have his father brought to the camp, that he
 might explain himself. When the wise *Herennius* was
 come, he let them know, that in good policy there was
 no *medium* between treating the *Romans* in the kindest
 manner, and destroying them absolutely. That by the
 first (which he thought the best) they would gain the
 friendship of a powerful nation; that by the second
 they would greatly lessen the strength of a dangerous
 enemy; but that no third way could produce any ad-
 vantage

antage of either sort. However, this prudent advice Y. of R.
 was not followed. *Pontius* and his Officers chose a mid- 432.
 dle way, such as their foolish vanity suggested: they Bef. J. C.
 would spare the lives of the *Romans*, but at the same 320.
 time treat them as conquered enemies. 133 Consulship.

Whilst the *Samnites* were in these deliberations, the Liv. B. 9.
Romans sent a deputation to them to desire a truce upon C. 4.
 equitable terms, and in case of refusal to invite them
 to a battle. *Pontius*, with a haughty air answer'd,
 That the *Samnites* had no battles to fight; that the
 victory was already gain'd; and that not a man of
 the *Roman* Legions should escape, till they had been
 disarm'd, and had passed one by one *under the Yoke*:
 that, beside this, he expected that the *Romans* should
 quit *Samnium*, and withdraw their *Colonies* from all
 the Cities they had usurped from the *Samnites*. And
 he concluded with forbidding the Deputies 'to appear
 any more in his presence, if the *Consuls* did not ac-
 cept the terms propos'd.'

The report of this answer threw the *Legions* into the
 utmost despair. The *Consuls* were struck dumb, and
 durst not declare themselves for so shameful a Treaty.
L. Lentulus, a considerable Officer in the army, and
 who had been at the head of the Deputation to the
Samnites, was the first who broke silence; addressing
 himself to the *Consuls*, he spoke to this effect: 'I have
 often heard my father say, that, when the *Gauls* be-
 sieged the *Capitol*, he was the only man in the Senate,
 who oppos'd the redeeming of *Rome* with Gold; and
 the reason he gave for his opinion was, that the enemy
 not having shut up the *Capitol* by intrenchments, nor
 rais'd any rampart round it, it was still possible for
 the *Romans*, tho' difficult, to force a passage through
 the besiegers. Were the case with us the same; were
 there any possibility of escaping; could we make fal-
 lies, as they sometimes did, or could we force the
Samnites to a battle, I should soon convince you by
 my counsel, that I have the same courage as my Fa-
 ther; I should speak the same language, and endea-
 vour yet more by my example, than my words, to
 animate

Y. of R. ^{432.} animate you to the fight, tho' in never so disadvantageous a situation for it. For my own part, I would
 Bef. J. C. ^{320.} gladly rush into the midst of the enemy, and devote
 133 Con- my self for the *Roman People*, if that could be of any
 sulship. avail to their preservation; for I am truly sensible, that
 ' no fortune can be so glorious as to die for the safety of
 ' our Country. But our Country at present is here; its
 ' chief stay and strength, the *Roman Legions* are in this
 ' valley. Shall they devote themselves to death for
 ' their own preservation? To what end then? To save
 ' the *Walls of Rome*? the *Houses*? the crowd of People
 ' that inhabit the City?—And which way can even
 ' these be preserved, if this army perish? Will a weak,
 ' unarm'd, despondent multitude defend them? Just
 ' as they did against the *Gauls* after the battle of the
 ' *Allia*.—But it is shameful, say you, to give up our
 ' arms like cowards. I grant it: yet the love of our
 ' country should be such, as to make us ready, if need
 ' be, to suffer *Ignominy* as well as *Death*; to sacrifice,
 ' not only our *Lives*, but our *Glory* to preserve it. For
 ' the sake of *ROME* then let us submit to the conditions
 ' imposed, be the indignity never so great; nor scruple
 ' any longer to obey Necessity, to which the Gods
 ' themselves are subject.

Livy, B. 9. This advice was followed. The *Consuls* signified to
 c. 5. *Pontius*, that they consented to lay down their arms,
 and pass under the *Yoke*; upon which they obtained a
 conference with him. As to a Treaty of Peace, they
 declared, ' That they could not conclude any that
 ' would be binding on the *Roman People* without their
 ' approbation, and the ministry of the *Feciales*. That
 ' their power extended no farther than to make pro-
 ' mises, which they were ready to strengthen by giving
 ' Hostages.' The stipulation was accepted on these
 terms, and the *Consuls*, *Lieutenant Generals*, *Quaestors*,
 and *Legionary Tribunes* all signed the Convention; six
 hundred *Roman Knights* were to be given as Hostages;
 and the *Samnites* were to have power to cut off their
 heads, in case the Republic did not perform the *Consuls*
 promises.

When

When the day came for the *Roman* army to pass *un-* Y. of R.
der the Yoke, or Gallows, the six hundred Knights ^{432.}
 march'd first out of the camp, unarm'd, and with ^{Def. J. C.}
 only their under garment; and these were taken into ^{320.}
 custody. The *Consuls* followed next, then the in-fulship. ¹³³
 prior Officers, and at last the Soldiers one by one. The ^{Livy, B. 9.}
Samnites insulted them as they pass'd; and if any *Ro-* c. 6.
man return'd but a fierce look, he was immediately
 knock'd down or kill'd.

The *Romans* could have reach'd *Capua* the same
 day; but partly out of distrust of that City, and partly
 out of shame to be seen there in so wretched a condi-
 tion, they threw themselves on the ground in the neigh-
 bourhood of it, resolving to pass the night in the open
 air; which when the Magistrates of *Capua* understood,
 moved with compassion, they sent clothes, horses and
 arms, *Lictors* also and *Fasces* to the *Consuls*, and food
 for the whole army. And when, the next day, they
 drew near the city, the Senate and People went out to
 meet them with all demonstrations of kindness. Ne-
 vertheless the *Romans*, overwhelmed with shame, seemed
 unaffected with this hospitality: they kept their eyes
 fix'd on the ground, and shunn'd all discourse. They
 were accompanied to the frontiers by several young
 men of the *Campanian* Nobility; but they still observed
 the same behaviour, and shewed the same dejection of
 mind; which, when it was reported to the Senate of
Capua by the young Nobles at their return, made the
 Assembly in general conclude that the *Roman* courage
 was for ever lost, and their affairs desperate. One of c. 7.
 them however, a venerable old man, declared, that he
 judged differently of the dumb confusion of the *Ro-*
mans: ' This obstinate silence, their eyes fixed on the
 ground, their ears deaf to all consolation, are tokens
 of an inward rage that ferments without evaporating.
 If I am not wholly unacquainted with the temper of
 the *Romans*, their remembrance of the *Caudine Treaty*
 will be more fatal to the *Samnites* than to them. The
Romans will have it in their thoughts wherever they
 Vol. II. G g ' shall

Y. of R. * shall encounter the *Samnites*; but these will not every
 432. ' where find *Caudine Streights*.'

Ref. J. C.

320. In the mean time the People at *Rome*, without orders
 134 Con- from the Senate, and as it were by tacit consent, put
 fullship. on the deepest mourning. The shops all around the
 Livy, B. 9. Forum were shut up; there was a vacation in all the
 c. 7. Courts of Justice, before any proclamation for it; gold
 rings and robes of magnificence were laid aside; and
 the city was more dejected, if possible, than the army
 itself. Before the arrival of the troops, it was the lan-
 guage of the People, angry not only with the com-
 manders, but with the guiltless soldiers, that they
 ought not to be received into the city: but as soon
 as they appeared, the public indignation changed
 into pity. Nevertheless, they did not enter the city
 till night; and then every one stole home, and hid
 himself in his own house: even the *Consuls* banished
 themselves from society, after they had performed the
 indispensable duty of naming a *Dictator* to hold the *Co-*
mitia. They pitched upon Q. *Fabius Ambustus*; but
 some defect being found in the nomination, *Æmilius*
Papus was substituted in his room. Nor did this *Dic-*
tator hold the Assembly for the Elections; no Magistrate
 of this unfortunate year could please the People; the
 Government fell into an *Inter-regnum*.

Y. of R. §. II. AND now all eyes were cast on two of the
 433. greatest men in the Republic, *Papirius* * *Cursor* and
 Ref. J. C. *Publius* || *Philo*. These, being chosen *Consuls* in the

319. *Comitia*, entered upon their office the very day of their
 134 Con- election. Their first care was to obtain a decree of the
 fullship.

* A second Senate, importing, that there had been no defect in
 time. point of religion in their inauguration: after which the
 || A third *Fathers* took into consideration the Treaty made with
 time. the *Samnites* by the late *Consuls*. *Posthumius*, one of

Livy, B. 9. first. He addressed himself to the assembly with an air
 c. 8. of great modesty and humility, own'd the Treaty to be
 infamous, but declared, that the *Roman* People were
 not bound by it, since it had been made without their
 orders;

orders; and that the Republic was obliged in justice to Y. of R. nothing more, than to deliver up into the hands of the ^{433.} *Samnites* those of the army who had signed it. And he ^{Def. J. C.} advised therefore that the new *Consuls* should lead a ^{319.} new army into the field; but that, before they enter'd ¹³⁴ *Con-* upon action, they should surrender to the mercy of the *Samnites* his Collegue and him, with all the other officers who had been parties to the convention. The Senators were struck with admiration at the generosity of *Posthumius*; and their compassion for him did not fall short of their esteem of his heroic virtue. However, they all approv'd of the proposal, except two *Tribunes of the People*, who had (probably) been raised to that office since their return from the *Caudine Forks*. These contended, not only ' that the motion made by *Posthumius* was unjust with regard to the persons concern'd in the Treaty, but that it was by no means sufficient to discharge the demands which the *SAMNITES* had upon *Rome*; and that as to themselves, they were *Sacrofanct Magistrates*, inviolable, and not to be deliver'd up to the enemy.' To the last of these pleas *Posthumius* replied, ' That *Livy*, B. 9: the Senate might defer the delivering up of the *Tri-* *bunes* till their *Holinesses* were out of Office, and then (if his advice might be followed) cause them to be beaten with rods in the public *Forum*, by way of *U-* *fury* for the delay.' But as to himself, and the rest of the *Profane* Officers concern'd in the Treaty, he press'd the immediate execution of his proposal; and he offer'd such plausible arguments to prove the invalidity of the *Caudine* Convention, and the sufficiency of the satisfaction designed for the *Samnites*, that the Se- ^{c. 10;} nate, whether convinced or not, were universally pleased with his discourse, and acquiesced in his project. Nay, the two *Tribunes* themselves, who had at first opposed it, consented at length to follow the fate of their companions, and to that end abdicated their office.

Posthumius's proposal was no sooner pass'd into a decree of the Senate, but it dispell'd that cloud of sorrow, with which the *Romans* had been covered ever since the misfortune of *Caudium*; it seem'd to them like the

Y. of R. breaking out of the sun upon the city after a total
 433. eclipse. Nothing was talk'd of but the generosity of
 Bef. J. C. *Posthumius*, whose *Devotement* they compared to that of
 319. *Decius*; and the *Roman* youth were so animated, that
 134 Con- there needed no orders to raise Troops; a new army
 fullship. was formed almost wholly of Volunteers; and the *Caudine Legions* were again enrolled. As soon as these forces came near the enemy's camp, preparations were made for surrendering up the *Roman* Officers in due form by a *Fecialis*. *Cornelius Arviná* was the person appointed for this purpose; who having conducted the Prisoners bound into *Pontius's* presence, addressed himself to him in the following words: ' Since these men
 ' undertook without any commission to conclude a
 ' Treaty of peace with you, and committed a crime in
 ' so doing, we deliver them up to you, in order to free
 ' ourselves from any share in the punishment, which
 ' they alone have deserved.' The *Fecialis* had scarce utter'd these words, when *Posthumius*, as if offended with what he had said, gave him a hard blow on the thigh with his knee, and looking sternly at him, ' I am now,
 ' said he, a *Samnite*, and you an Ambassador of *Rome*:
 ' I have therefore by this blow violated the Law of
 ' Nations, and you are thereby authoris'd to make war
 Livy, B. 9. ' upon us.' But this little, low artifice, served only to
 c. 11. raise the indignation of the *Samnite* General, and make him despise the author of it. He laid before *Posthumius* and the *Fecialis* the injustice and baseness of their proceedings. He told them, that if the *Roman* People would preserve their honour untainted, and maintain the rules of equity, they must either perform the conditions of the Treaty, or send the *Roman* army again into the *Caudine Forks*. And as to *Posthumius's* behaviour to the *Fecialis*, he thus expostulated: ' Will you
 ' be able to impose on the Gods by these thin disguises?
 ' Will they take *Posthumius* for a *Samnite*, and consider
 ' the blow he has given, as an insult offer'd to the *Roman* People by a *Samnite*? Is it thus that you sport
 ' with Religion and the Faith of Treaties? Are such
 ' ludicrous transactions becoming the Gravity of a Con-
 ' sul

ful, and the Dignity of a Great Nation? *Lictors*, un-Y. of R.
 tie the Prisoners, and leave them free to go where ^{433.}
 they please.' And thus the *Romans* were dismissed. ^{Bef. J. C.}

§. III. BUT now the *Samnites* repented too late of ^{319.}
 eir not having hearkened to the wise counsels of old ¹³⁴ Con-
erennius; they had a foreboding, says *Livy*, of the ^{fullip.}
 isfortunes that afterwards befell them; while the ^{Livy, B. 9.}
^{C. 12.}

omans, on the other hand, looked upon the liberty
 ey had obtained of making war as equal to victory.
 ot long after, the inhabitants of *Satricum* joined with
 body of *Sampites*, who surprized *Fregellæ*, a *Roman*
lony, in the night, and, having by a promise of quar-
 , engaged the greater part of the inhabitants to lay
 own their arms, burnt them afterwards alive. *Capua*
 ewise at this time prepared for a revolt; the chief
 tizens entered into a plot to shake off the *Roman*
 ke. This, with some other alarms, induced the
 epublic to name a *Dictator*, the *Consuls* being em-
 oyed in the war. *C. Manius* was chosen to that dig-^{c. 26.}
 ty, and he appointed *M. Fostius* to be his General of
 orse. The new *Dictator*'s commission extended only
 the making enquiry into state Crimes, and punishing
 em. And there needed no more to put a stop to the
 volt of *Capua*; for the terror of a judge from whom
 ere lay no appeal, became so great throughout all
mpania, that the heads of the conspiracy killed them-
 ives to avoid punishment.

After this, the *Dictator* pretending that the powers
 ven him by his commission were not confined to the
 king cognizance of traiterous persons and practices at
APUA only, but extended to the cognizance of all
 nspirators and conspiracies, whatsoever and wherebe-
 r against the *Roman* State; and pretending farther
 at all intriguing and canvassing for offices was a kind
 Treason against the Commonwealth, he cited sever-
 l of the *Patricians* to appear before him on accusations
 that kind. The accused having no other resource,
 lled upon the Tribunes to interpose their negative;
 id put a stop to the prosecution; but not one of them

Y. of R. would interfere in the matter. Hereupon the whole
 433. body of the Nobles took the alarm. They exclaimed
 Y. of R. in all places, that the *Patricians*, to whom, being
 319. nobly born, the way (if not obstructed by indirect
 134 Con- practices) was naturally open and easy to all Honours
 sultship. and Dignities, were not the persons on whom this
 crime should be charged; but certain upstart Gentle-
 men, such as the *Dictator* himself and his *Master of the
 Horse*, who indeed ought rather to be prosecuted them-
 selves, than sit as judges of other men; and they
 threatened that they would make the two inquisitors
 know this, so soon as their Magistracy should be ex-
 pired.

Mænius, though free from guilt, yet fearing lest his
 reputation should suffer by the calumny, assembled the
 People, and laid before them the uprightness of his in-
 tentions and the impartiality of his conduct; and then,
 to give them a farther proof of his innocence, abdi-
 cated the *Dictatorship*, that he might be brought to a
 trial. *Fostius* also, for the like purpose, resigned his
 office at the same time. The Senate, by a special com-
 mission, appointed the *Consuls* of the year (probably
 recalled to *Rome* on this occasion) to be their judges;
 who having heard the witnesses, and fully examined
 the affair, honourably acquitted the accused.

This

• The account which has been given of *MÆNIUS*'s affair is taken
 from *Livy*, who adds, that *PUBLILIUS* also was soon after brought
 to a trial on the same sort of accusation, and acquitted; but then
Livy refers both these trials to the year 439, when *Mænius* was indeed
Dictator, according to the *Capitoline Marbles*, but *Publius* was not
Consul.

If *Publius* stood his trial the same year that he was *Consul*, we
 must suppose that he also, as the *Jesuits Catrou* and *Rouillé* have well
 observed, abdicated his office in order thereto. These learned Fa-
 thers conjecture that this was the case, and that *Papirius* being there-
 by left sole *Consul*, named to the Dictatorship *L. Cornelius Lentulus*,
 who appointed *Papirius* to be his General of the Horse, intending to
 be governed in all difficulties by his advice, as the ablest man in all
 the Commonwealth to conduct the present war: and what confirms
 the opinion, that the war was conducted by *PAPIRIUS* this year in
 quality

This kind of inquisition descended afterwards to men of less distinction, and in a short time was entirely stopt by force of those very intrigues and cabals against which it was levelled.

Y. of R.
433.
Bef. J. C.
319.
134 Con-
sulship.

quality only of *Master of the Horse*, is, that he had no TRIUMPH for his conquests.

What induces the *Jesuits* (who have been followed in the Text) to place the trial of *Mænius* in the year 433, is not the authority only of the *Capitoline Marbles* (which make *Mænius* Dictator this year) but a passage of *Livy* * himself, who in the year 443 makes *Sempronius* the Tribune speak of *MÆNIUS* being created Dictator, to enquire into State Crimes, and of his abdication in order to stand his own Trial, as things which had happened within ten years: an expression which he probably would not have used, if those events had happened but four years before.

It is indeed very difficult to reconcile the *Capitoline Marbles* with *Livy*, who seems to be at a Loss in this part of the History, and to have made some confusion of times and events, not distinguishing the several Dictatorships of *Mænius* as they are mark'd on those Marbles.

The Marbles give us three Dictators this year, *C. Mænius*, *L. Cornelius*, and *T. Manlius*. *Livy* mentions only the second, and in this manner; tho' he ascribes the exploits of the campaign, we are going to enter upon, to *Papirius* and *Publius*, the Consuls of the year, yet he owns that the thing is doubtful, and that some give those exploits to *L. Cornelius* created Dictator, and *Papirius* Curfor his Master of the Horse.

* *Liv*, B. 9. c. 34.

C H A P. XV.

§. I. *The Romans give the Samnites a great overbrow, and take from them Luceria in Apulia; §. II. And Ferentum; and recover Satricum. The character of Papirius Curfor. §. III. A two year's Truce is granted to some Cities of Samnium. The Roman arms prosper in Apulia. Campania is turned into a Roman Præfecture. Two new Tribes are formed, which make the whole number thirty one. §. IV. All Apulia is subdued. Antium receives laws from Rome for its future government. Saticula, a Campanian City, and Sora (in the country of the Volsci) both in alliance with the Samnites, are taken by the Romans. §. V. The*

G g 4

Cruelty

Cruelty of the Romans towards three Cities of the Aufones. The Samnite war continues.

Y. of R. §. I. ^{433.} **I**T seems highly probable from some passages of ^{Bel. J. C.} *Livy*, joined with the authority of the *Capitoline Marbles*, that the operations of the campaign this ^{319.} year were governed by *Papirius Cursor*, not in quality of *Consul*, and Colleague to *Publius*, but of *General of the Horse* to *L. Cornelius Lentulus*, created *Dictator*. ¹³⁴ *Con-*
^{fulship.}

The chief view of the *Roman* Generals being to rescue the 600 *Knights*, who had been delivered up to *the Samnites* as hostages, they to that end divided their *Livy B. 9.* forces. *Cornelius* put himself at the head of the same *C. 12.* troops that had passed under the Yoke, and led them against the victorious *Caudine* Legions of the *Samnites*. *Papirius* marched towards *Luceria* in *Apulia*, where the *Roman* hostages were kept prisoners. *Pontius* the *Samnite* General was for some time in suspense, whether to march to the relief of *Luceria*, or stay to make head against the *Dictator*. He feared that, if he marched, the enemy would fall upon his rear; and that, if he did not march, *Luceria* would be lost. His resolution at length was to put all to the hazard of a battle. The *Dictator* no sooner perceived the intention of the enemy, but he assembled his soldiers, and would have exhorted them, as was usual on such occasions, to behave themselves with the courage becoming *Romans*; but he *P. 13.* found his harangue to be entirely needless. The soldiers, mindful of their late disgrace, were so eager to fight, that they gave no attention to him; with one voice they all cried out, *To Battle*. When they drew near the *Samnites*, they press'd their *Ensigns* to march faster, and, being spited by revenge to a degree of fury, rush'd upon the enemy without observing their usual order, or waiting the command of their General. Nothing could stand before them; the *Samnites* were routed, and their camp taken and plundered.

On the other hand *Papirius* having entered *Apulia*, and being assisted by the people of *Arpi* (old enemies of the *Samnites*,

Samnites, their neighbours) had laid siege to the *Luceria*,^{Y. of R.} but was so straitened by the difficulty of getting provisions,^{433.} that the arrival of the victorious army at his camp^{Bef. J. C.} proved very seasonable. The *Dictator* dispersed his^{319.} *Legions* about the country, intercepted the convoys^{134 Con-} that were going to the besieged, and facilitated the bringing of provisions to the camp of *Papirius*. The *Samnites*, who had likewise an army encamped near *Luceria*, finding that the place could not hold out long, resolved to give the besiegers battle. Every thing was getting ready on both sides for a general action, when^{Livy, B. 9.} Ambassadors arrived from *Tarentum*, to put a stop to all hostilities by their mediation; and they threatened to declare themselves against which ever party should persist in carrying on the war. *Papirius* pretending to listen seriously to what they said, told them, that he would consult the *Dictator*; and accordingly he did so, but it was only on the measures to be taken in the engagement, for which he instantly prepared. While the *Romans* were sacrificing, as was customary before a battle, the *Tarentine* Ambassadors came for their answer. *The Chickens*, cried ‘*Papirius*, feed perfectly well; so the Keeper of them tells us. The Gods too are much pleased with our Sacrifices: under their protection therefore we are going to fight, as you perceive.’ He then led his troops out of the camp, ridiculing the vanity of a little insignificant People, who would needs make themselves mediators of a peace between two powerful nations, when at the same time *Tarentum* could hardly support itself under its own intestine divisions.^{c. 14.}

But now the *Samnites* absolutely declined the fight, alledging that *Papirius* had deceived them by false hopes of an accomodation, and declaring, that out of respect to the *Tarentines*, they would keep themselves upon the defensive within their camp. This timorousness of the enemy encouraged the *Romans* to attack them in their intrenchments, which they did with so much success, and with such a spirit of vengeance, that scarce any of the *Samnites* would have escaped the slaughter,
if

V. of R. if the *Roman* Generals had not restrained the fury of
 433. their troops, in regard to the six hundred *Knights* in
 Bef. J. C. *Luceria*, whom the besieged might perhaps, in revenge
 319. and despair, put to death. The Town being sorely
 134 Con- distressed by famine, the garrison sent an offer to release
 sulship. the six hundred Hostages, on condition that the *Ro-*
Livy, B. 9. *mans* would raise the siege. *Papirius* told the Deputies
 c. 15. who came to him with this proposal, that they should
 have consulted *Pontius* about the treatment proper to be
 expected by the vanquished; and he peremptorily in-
 sisted, that all the soldiers in the place, to the number
 of 7000, should be unarmed, and with only one garment
 each, pass under the Yoke, and *Pontius*, who had thrown
 Oros. B. 3. himself into the Town, at the head of them. These
 c. 15. and conditions were accepted; and thus the *Romans* retali-
 others. ated the ignominy they had undergone at the *Caudine*
Forks and recovered their hostages.

§. II. AFTER the return of *Papirius* with the army
 to *Rome*, *Cornelius* laid down his *Dictatorship*, and ano-
 ther *Dictator*, *T. Manlius*, was chosen (as it seems pro-
Fest. Capit. bable) only to hold the Centuriate *Comitia*, where *Papirius*
 * A 3d * *Cursor* was again raised to the *Consulate*, and *Q. Aulus*
 time. † *Cerrenatus* given him for a Collegue. The latter de-
 † A 2d † defeated the *Ferentani* in *Apulia*, and took their City,
 time. *Terentum*. The former reduced *Satricum*, a City of
 Y. of R. *Latium*, which, as we have before observed, had gone
 434. over to the *Samnites*, though its inhabitants had obtained
 Bef. J. C. the privileges of *Roman Citizens*.
 318.
 135 Con-

The *Satricans*, as soon as the *Roman* army appeared
 before the walls, sent out a Deputation to sue for Peace.
Papirius refused to grant it, unless they would kill all
 the *Samnite* garrison, or deliver them alive into his
 hands. And, when they expostulated with him, ask-
 ing, How it was possible for them, who were but weak
 and unarmed, to master a garrison armed and strong?
 he bid them advise with those by whose counsel they
 had received that garrison into the Town. The *Satrican*
 Senate, upon the report of this answer from the
Consul, were divided in opinion what measures to take,
 one part consisting of those who had counselled the re-

vult

volt to the *Samnites*, the other of the adherents to *Y. of R. Rome*. It happened that the garrison, for want of provisions to hold out a siege, had resolved to march away the night following. That faction therefore which had called the *Samnites* in, thought it sufficient to give the *Consul* notice at what hour they would begin to move, through what gate they were to pass, and what road they were to take; but the other party, not content with this, opened another gate to the *Romans* at the same hour; so that the *Samnite* garrison were surprised and cut to pieces, and the town seized the same instant. *Papirius*, after an inquisition by torture concerning the chief authors of the revolt, caused the most guilty to be scourged and beheaded, disarmed all the *Satricans*, and placed a strong body of troops in the place.

434.
Bel. J. C.
318.
135 Con-
sulship.

For this conquest *Papirius* at his return to *Rome* had the honour of a Triumph, which had not been granted him for his more important exploits the year before; (probably) because he had acted under the *Auspices* of a superior Magistrate.

This *Papirius* is the man whom *Livy* represents as a Hero, who would have been a match for *Alexander the Great*, had that Conqueror turned his arms Westward, and come into *Italy*. He was no less remarkable for his vigour of mind, and military skill and courage, than for his strength of body, and wonderful agility in running, which got him the surname of *Cursor*: and whether it were owing to his robust constitution, or continual exercise, no body eat or drank more than he; but he was also indefatigable in war, sharing the severest toils of it without hurting his health. Never had the *Roman* Horse or Foot a General that kept them to harder service. 'Tis reported of him, that his Cavalry having taken the freedom to desire a little relaxation from their fatigues, after an expedition which had been successful, he answered, 'Yes, by all means; when you are light from your Horses, I excuse you from the trouble of stroaking their backs.' *Papirius*, so severe in point of discipline, was naturally facetious, but not very gentle even in his jests. Walking one day before the

Livy, B. 9.
c. 16.

Aurel. Viâ.
de Viris
Illustr.
c. 31.

the door of his tent, while he was *Dictator*, he ordered a certain *Prætor* of *Præneste*, who in a battle had behaved himself shamefully, to be called, and, as soon as he appeared, bid the *LICTOR* *prepare his Ax*: When he saw the poor *Prænestine* ready to die with fear at the sound of those words, he presently added, *Dispatch, Lictor, cut away this stump of a tree, that spoils my walk*: After which he only fined the *Prætor*, and dismissed him. Such was the character of the renowned *Papirius*.

Y. of R. §. III. IN the following *Consulship* of *L. Plautius*
 435. *Venno* and *M. Fostius Flaccinator*, many of the *Samnite*
 Bef. J. C. Cities sent Deputies to the *Roman Senate* to ask Peace;
 317. but these being referred to the People in *Comitia* (where
 136 Con- the *Caudine* Legions doubtless made a part of the assem-
 fulship. bly) the *Samnites* could obtain, by urgent intreaties, no
 Liv. B. 9. more than a two year's Truce.
 c. 20.

And now the terror, spread throughout *Apulia* by the *Roman* army which *Plautius* conducted thither, was so great, that the two Cities of *Teanum* and *Canusium* surrendered; to avoid being pillaged. *Capua* likewise being so divided by intestine seditions, as to be no longer in a condition to govern herself, desired the *Romans* to give her a Governor and new Laws; and it was at this time that the *Romans* first turned *Campania* into a *Præfecture*, and sent thither a *Præfel*.

It

* All the Cities which the Republic subdued were not upon the same foot. Some were called *Colonies*, some *Municipia*, and some *Præfectures*.

The *Colonies* chose their Governors out of their own inhabitants, and, tho' subject to the *Roman* People, were a kind of petty Republics, modelled after the plan of *Rome*.

The *Municipia* kept their old laws, and the customs they had among them before they became *Roman*.

The *Præfectures* were in a worse condition than either the *Colonies* or *Municipia*. The *Præfects*, who were sent to them annually from *Rome*, had a power of changing their laws, and wholly swallowed up the authority of the other Magistrates. Some of these *Præfects* were chosen by the *Roman* People; and others received their commissions from the *Prætor* of *Rome*, and were properly speaking no more than his substitutes in the Provinces. The discord among the *Campanians*

It was perhaps to make the *Campanians* some sort of Y. of R. amends for their liberty, which they had voluntarily ^{435.} given up; or rather to keep them to their duty, that a ^{Bef. J. C.} new *Roman* Tribe was formed in their country. It was ^{317.} called the *Falernian Tribe*, doubtless from the hill *Falernus*, ^{136 Con-} this Tribe possessing the delightful plain which surrounded that hill. Another Tribe was also established on the borders of the *Ufens*, and was therefore called *Tribus Ufentina*. So that the *Romans* had now thirty one Tribes, all which had a right of suffrage in the *Comitia by Tribes*. ^{fulship.}

By a *Census* taken this year, the number of men in *Rome* fit to bear arms appeared to be two hundred and ^{*Fast Capit.*} fifty thousand. ^{*Livy, B. 9.*} ^{c. 19.}

§. IV. THIS happy war was followed by another as prosperous, under the administration of *Q. Æmilius Barbula* and *C. Junius Brutus*, who subdued and quieted ^{436.} *Apulia*. *Antium* followed the example of *Capua*, in asking a ^{Bef. J. C.} Governor and Laws from *Rome*. But this City was not ^{316.} made a *Roman Prefecture*, nor did she receive laws ^{137 Con-} from a single Magistrate sent thither for that purpose. ^{fulship.} ^{*Livy, B. 9.*} ^{c. 20.} The care of making the laws by which the Magistrates were to govern was left to the Patrons of the *Colony*. It was then customary not only for private families, but likewise for Cities and afterwards for Provinces to have their Patrons, who were often of the principal Nobility of *Rome*. The Patrons of the *Municipia* were generally of the families of those *Consuls* who had conquered them; and the Protectors of the *Colonies* were the children of those who had received the commission to plant them.

The succeeding *Consuls*, *Sp. Nautius* and *M. Papilius*, Y. of R. were scarce entered upon their office, when the Re- ^{437.} public, either from a distrust of their abilities, or for ^{Bef. J. C.} some other reason unknown, obliged them to nominate ^{315.} a *Dictator*, to carry on the war. They named *L. Æmi-* ^{138 Con-} ^{fulship.}

panius gave the first occasion to the institution of *Præfets*. And afterwards the *Romans* established this form of Government in several parts of *Italy*. C. & R.

lius

lius, who immediately put himself at the head of the *Legions*. He invested *Saticula*, a City of *Campania*, in alliance with the *Samnites*, and defeated the army that came to relieve it; but his Dictatorship expired before he could take the place. The *Samnites* not hoping to defend it, laid siege to *Plistia*.

Y. of R. The *Romans* had now got such a habit of suffering
 438. none but *Dictators* to command their armies, that tho'
 Bef. J. C. the famous *Papirius* * *Cursor* and *Publius Philo* † were
 314- chosen *Consuls* for the following year, we find *Q. Fabius*
 139 Con- *Maximus*, who had been formerly General of the Horse
 fullship. to *Papirius* and ever since his implacable enemy, raised
 * A 4th time. at this time to the *Dictatorship*, and commissioned to
Fast Capit. carry on the siege of *Saticula*. While he was making
 † A 4th his attack, the *Samnites* came from before *Plistia*, and
 time. their cavalry insulted the *Roman* camp, in which he

Livy, B. 9. *retanus*, his General of the Horse. *Aulus*, without
 c. 22. consulting the *Dictator*, sallied out with the *Roman*
Knights, and having discovered the General of the
Samnites, rushed on him, and laid him dead with the
 first push of his lance; but having penetrated too far
 into the enemy's squadrons, he could not retire; and
 the *Samnites* gave their General's brother the glory of
 revenging his death: He dismounted *Aulus*, and then
 stabbed him as he lay upon the ground. Hereupon
 the *Roman Knights* alighted from their horses, to reco-
 ver their General's dead body; the *Samnite* cavalry did
 the same, and a battle was fought between them on
 foot, in which the *Romans* prevailed. The *Samnites* re-
 turned to the siege of *Plistia* † (a City in alliance with
 † The situation of the *Romans*) and took it by assault.

this place is unknown. In the mean time *Saticula* capitulated, and then the
Livy, B. 9. *Dictator* marched to besiege *Sora*, on the banks of the
 c. 23. *Liris*, in the country of the *Volsci*. The *Sorans* had
 gone over to the *Samnites*, having first massacred a *Ro-*
man Colony which had been settled in their city. To
 defend this place the *Samnites* followed the *Dictator* with
 all expedition. When *Æmilius* understood that they
 were not far behind him, he faced about, marched to
 meet

meet them, and came to an engagement with them ^{Y. of R.} near the narrow pass of *Lautula*. The success of the ^{438.} battle was doubtful, night put an end to it, and both ^{Bel. J. C.} armies continued their march towards *Sora*. ^{314.}

And now the *Dictator* chose a new General of the ^{139 Con-} *Horse*, *L. Fabius*, a kinsman of his own, to succeed *Aulus*. He ordered him to go to *Rome*, fetch thence some fresh levies, conceal his march from the enemy, and, when he had posted his men in some secure place near *Sora*, to wait the signal for moving. This was no sooner executed, than the *Dictator* pretended fear, and kept close within his intrenchments, in hopes thereby to draw the *Samnite* army near his camp; and it did not fail to have the desired effect. Then on a sudden giving the signal for battle, he sallied out of his intrenchments, without letting the soldiers know the success he had in readiness. They imagined it was some great distress, which made their General so suddenly change his resolution; and he confirmed them in this opinion, by telling them that 'their case was such, ' that they must either conquer or perish; That he ' had ordered fire to be set to their tents and baggage, ' but that they might soon make up the loss, by the ' plunder of the rebellious cities.' However, his private orders were to set fire only to those tents which were next the ramparts, and this was to be the signal for the General of the *Horse* to move to his assistance, and fall upon the enemy in the rear. Every thing was executed with wonderful harmony, and by this stratagem the *Samnites* were entirely defeated, and their camp plundered; and the *Roman* soldiers had the farther joy of finding at their return to their own camp, that their tents and baggage were not burnt.

After this the *Dictator* laid siege to *Sora*, and the siege ^{Livy, B. 9.} was continued by his successors in the command of the ^{C. 24.} army, *M. Postelius Libo* and *C. Sulpicius * Longus*, the ^{Y. of R.} new *Consuls*. They pitched their camp almost close to ^{439.} the walls of the Town. While they were deliberating ^{Bel. J. C.} and in doubt in what part to make their attacks, a de- ^{313.} ^{140 Con-} ^{fulship.} ^{A 3d} ^{for time.} ferter from the besieged suggested to them a stratagem.

Y. of R. for getting possession of the place. What he proposed
 439- appeared to the *Consuls* practicable; and, in order to its
 Bef. J. C. execution, they, by the advice of the deserter, removed
 313. their camp to the distance of six miles from the Place;
 140 Con- to the end that this might throw the garrison into care-
 sulship. lessness and security. Next night the deserter, having
 posted some cohorts near the town, in a woody spot,
 where they could lie concealed, stole with ten chosen
Roman solders into the citadel. Then placing his men
 in a narrow steep path, that led from the Citadel to the
 Town, and where they might easily defend themselves
 against a great multitude, he hastily ran down into the
 Town, crying out, *To arms, to arms, the enemy are in*
possession of the fortress. A fright seized the inhabitants;
 and in their haste to escape they broke down the gates.
 The *Roman* cohorts, roused by the noise, rushed in at
 one of them, putting all they found in the streets to
 the sword. In the morning by day break the *Consul*,
 with his army, entered the Town, already in the pos-
 session of the *Roman* cohorts. Two hundred and twenty
 five of the prisoners, who had been the chief authors
 of the revolt, and of the massacre of the *Roman Colony*
 there settled, he sent to *Rome*, where they were first
 beaten with rods and then beheaded.

Livy, B. 9. §. V. THE reduction of *Sora* was followed by the
 c. 25. surprising of three Cities of the *Aufones* (*Aufona*, *Minturna*
 and *Vesuvia*) on the same day and at the same
 hour. The *Romans* seized these places, and barbarously
 massacred all the inhabitants, meerly upon an accusa-
 tion (without proof) brought to the *Consuls* by twelve
 traitors of the nation, of their having formed a design
 to revolt. But *Livy* tells us, that this barbarity was
 owing to the absence of the Generals when the Towns
 were seized.

c 26. *Luceria*, which had rebelled, being taken by assault,
 not only the *Samnite* garrison, but the Citizens were put
 to the sword, and a *Colony* of two thousand five hun-
 dred men sent thither from *Rome*, to secure it for the
 future against all attempts.

Notwithstanding all these examples of severity, the
 restless

restless *Campanians* prepared once more to shake off the Y. of R. Roman yoke; so that the Republic thought fit to name ^{439.} a Dictator³, *C. Menius*, to go with an army into their ^{Bel. J. C.} country, and keep them in awe. In the mean time ^{312.} the Consul *Sulpicius* appeared with his army near *Caudium*, ^{140 Con-} where the *Samnites* had drawn together a great body of ^{fulship.} troops, and were waiting for the insurrection of the ^{Fast Capit.} *Campanians*, who they hoped would join them. The ^{Livy, B. 9:} two armies came to an engagement, in which the ^{c. 27.} *Samnites* lost thirty thousand men killed or taken⁴. And the conqueror marched his army to *Bovianum*, one of the principal Cities, if not the Capital of *Samnium*, and passed the winter before it.

L. Papirius Cursor (a fifth time) and *C. Junius Brutus* Y. of R. (a second time) were now raised to the *Consulate*; but ^{440.} soon after, for what reason is unknown, the *Fathers* ^{Bel. J. C.} ordered a Dictator to be created. The nomination fell ^{312.} upon *C. Poetelius Libo*, and he was appointed to com- ^{141 Con-} mand the forces. He repaired to the camp near *Bovia- ^{fulship.} *num*, and in a short time quitted that post to retake ^{Fast Capit.} *Fregelle* from the enemy. They evacuated the place ^{Livy, B. 9:} without standing a siege, and then the Dictator appeared ^{c. 28.} before *Nola*, a City of *Campania*, which he quickly reduced, together with *Atina* and *Calatia*, both in the same province. This year the *Romans* planted a Colony at *Suessa*, a city of the *Aurunzi*; and another in *Pontia*, an island which the *Volschi* had inhabited, and which lay within sight of their coast. And the Senate passed a Decree for planting a Colony at *Interamna* and *Casnum*.*

Whilst *M. Valerius Maximus*, one of the *Consuls* for the new year, was carrying on the war against the *Sam-* Y. of R. *nites*, and *P. Decius Mus*, the other, was lying sick at ^{441.} *Rome*, the Senate received advice, that the *Hetrurians* ^{Bel. J. C.} threatened the Republic with an invasion, upon which ^{311.} they ordered *Decius* to name a Dictator⁵. *C. Sulpicius* ^{142 Con-} ^{fulship.} ^{Livy, B. 9} ^{c. 29.}

³ See the Note at the end of Chapter xiv.

⁴ *Livy* gives the Consul *Poetelius* a share in this victory.

⁵ According to *Livy*, *C. Junius Bubulcus* was named Dictator; but according to the *Fast. Cap.* *Junius* was general of the Horse to *Sulpicius*.

Y. of R. *Longus* being promoted to that dignity, raised a powerful army, and made all the preparations which the apprehension of a war with so populous a nation and so near a neighbour required. Nevertheless he was not in haste to enter upon action; he kept himself upon the defensive, and waited till the *Hetrurians* should begin the hostilities; and this moderation had the effect he desired. The *Hetrurians* upon farther reflections suspended their design, and continued quiet within their own bounds.

C H A P. XVI.

§. I. Appius Claudius, one of the Censors of Rome admits the SONS OF FREED MEN into the Senate. *The People reform this abuse the next year and make some new regulations.* §. II. Rome has war with the *Hetrurians* and *Samnites*. §. III. Appius obstinately refuses to quit his office, tho' his eighteen months (the legal time for its duration) are expired. He is prosecuted before the People.

§. I. **T**HE domestic tranquillity of the Republic was at this time a little disturbed by *Appius Claudius* one of the Censors. He was an able Lawyer, and an Oracle among the Romans in all knotty points of law, but a lover of innovations, taking great delight in overturning the most ancient institutions, and in setting up for a Legislator. Hitherto none but *Patricians*, or the most considerable of the Commons, had been admitted into the Senate; but *Appius* introduced there the *Libertini*, i. e. 'the sons of those who had been slaves, and had obtained their liberty.' Having thus debased the Senate, he attacked the Priesthood, which had always been confined to the Nobility. The oldest Priesthood in Rome was that belonging to the Altar, called *Ara Maxima*, erected by *Evander* to *Hercules*; it had been given at that very time to an old man of the *Aborigines*, named *Porcius*, and had continued ever since

Pomponius de Origine Juris.

D. Hal.

B. I. c. 40.

since in his family. The *Censor* prevailed with the *Patitii* * to resign this Priesthood to the Slaves belonging to the public, and employed in the public works.

But if *Appius* thus brought a blemish on the Senate and Priesthood, he made his country amends by the useful works he undertook with success; particularly an Aqueduct seven miles long, whereby he supplied Rome with plenty of wholesome water, which it before wanted. He likewise made that famous road from Rome to Capua, which was called the *Appian Way*, and which *Julius Caesar* afterwards continued from Capua to *Brun-disium* on the *Adriatic*. It lasted entire above eight hundred years.

The succeeding *Consuls*, *C. Junius* * *Brutus* and *Q. Æmilius* † *Barbula*, were no sooner entered on their office, but they complained to the People in *Comitia* of *Appius's* new list of Senators, and cancelled it, so that the Senate resumed its former lustre. The People at the same time not only recovered an old privilege, but extended it farther than before: by a law in the year 391, the *Comitia* had assumed the privilege of choosing six out of twenty four *Legionary Tribunes* in the *Consular* armies, consisting of four *Legions*. This privilege had been for some time past usurped from them by the *Consuls* and *Dictators*; but now it was decreed, that the People should, instead of six, name sixteen of the twenty four *Tribunes*. At this time likewise the People, at the motion of *Decius Mus*, one of their *Tribunes*, appointed two ‡ officers to take care of the naval affairs of the Republic.

§. II. WHILEST the Romans were employed in these regulations, their *Consuls* prepared to lead two armies into

* *Livy* (B. 9. c. 29.) speaks of a tradition, that the whole name of the *Patitii*, consisting of twelve families, in which were thirty persons at or past the age of puberty, perished within the year; a warning from the angry Gods not to attempt innovations in Religion: and that *Appius* also was struck blind some years after, as a punishment for his profaneness.

† *Livy* tells us (B. 9. c. 30.) that while the Romans were burthened with

Bef. J. C. into the field. It fell to *Brutus's* lot to carry on the
 442. war in *Samnium*, and to *Æmilius* to march against the
 Bef. J. C. *Hetrurians*, who had now begun hostilities. *Æmilius*
 310. found the enemy ready to lay siege to *Sutrium*, a Town
 143 Con- in alliance with the *Romans*, about thirty miles from
 fulhip. *Rome*, and a sort of key to the *Roman State* on that
 Livy, B. 9. side. The *Hetrurians*, trusting to their numbers, ven-
 c. 32. tured a battle, and were defeated by the *Consul*, who
 c. 31. obtained a Triumph at *Rome*. Nor was *Junius Brutus*
 less successful against the *Samnites*. He first took *Clu-*
via by assault, and then *Bovianum*, the spoils of which
 he gave to his soldiers. And now the *Samnites*, no
 longer daring to contend with a *Consular* army in the
 open field, had recourse to artifice, and endeavour'd to
 draw their enemies into new *Caudine Forks*. Between
 Zonaras, *Cumæ* and *Puteoli* in *Campania* was the forest of *Avernus*,
 B. 6. so called from the lake *Avernus* in the middle of it,
 from whose sulphurous waters exhaled such a nauseous
 steam, that the birds which attempted to fly over it
 were believed to be suffocated by the exhalations. The
 Poets make it one of the vents of Hell. Into this forest,
 where the *Samnites* had posted great numbers of men,
 they allured the *Roman Troops* by the hopes of booty.
 But the *Romans*, upon the first discovery of the ambush,

with the care of two dangerous wars, an adventure happened too
 trifling to be mentioned in History, were it not for the relation it had
 to Religion. All the public Pipers, or Players upon the Flute, ran
 away together on a sudden to *Tybur* in great dudgeon, because the
Censors had forbid them to feast and carouse in the Temple of *Jupiter*
 as they had used to do; so that there was no body to play during the
 pomp of the sacrifices. The Senate, with a pious concern, dispatched
 some Deputies to *Tybur*, who were to endeavour to prevail with
 the People of that place, that the Pipers might be sent back to *Rome*.
 The *Tyburtes* not being able to win upon these fellows, by persuasion
 to return, contrived, on occasion of some festival, to make them all
 dead-drunk, and then sent them home in carts. When they awaked
 in the morning, they found themselves in the middle of the *Forum*.
 The People, who were got together about them, having prevailed
 upon them to stay, the privilege of feasting in the Temple was re-
 stored to them, and a new one was granted them of strolling about
 the city three days every year in masquerade, piping and singing.
 This custom still prevailed in *Livy's* time.

drew

drew up in order with such expedition, and behaved themselves with so much resolution and bravery, that they defeated the enemy, and left 20,000 of them dead upon the spot.

§. III. IN the following *Consulship* of *Q. Fabius* * and *Y. of R. C. Marcius Rutilus*, the tranquillity and concord at ^{443.} home, to which so much prosperity abroad was owing, ^{Bel. J. C.} was greatly disturbed by the ambition and obstinacy of ^{309.} the *Censor Appius*. In the year 319, a law had been ^{144.} passed, enacting, that no *Censor* should continue in his ^{fulbip.} office longer than eighteen months: but *Appius* refused ^{A 2d} to comply with this regulation, and to resign the *Cen-* ^{time.} *forship* (tho' his Collegue did) at the expiration of his ^{Livy. B. 9.} term, depending on the favour of the People, who ^{c. 33.} were pleased with his Aqueduct and new Road. Nevertheless *Sempronius Sopbus*, one of the *Tribunes*, made ^{Pomponius} no scruple to impeach him for this infraction of the ^{de Origine} *ÆMILIAN Law*. *Appius*, upon a summons, appearing ^{juris.} before the *Assembly of the People*, the *Tribune* asked him, 'how he would have behaved himself, had he been 'one of the *Censors* when that Law was passed.' To this *Appius* answered, that his case was not the same with theirs, and that the Law in question bound only the *Censors* of that year. *Sempronius*, finding that no body applauded this answer, immediately ordered him to prison. But then *Appius* appealed to the whole body of the *Tribunes*, of whom three took him under their ^{Livy. B. 9.} protection, while the other seven were against him; ^{c. 34.} and as no person could be condemned at their Tribunal, unless they were all unanimous, he by this means ^{Author} escaped, and alone held the *Censorship* more than three ^{de Viris} years longer, contrary to the inclination of the Public. ^{Illustr.} ^{c. 34.}

C H A P. XVII.

§. I. *The Consul Fabius defeats the Hetrurians. He penetrates into the Ciminian Forest, deemed impervious; after which he gives the enemy a second overthrow.*

§. II. *The Roman arms have not equal success against*
H h 3 the

the Samnites. The Senate orders Fabius to name Papirius Cursor (the man he most hates) to be Dictator to carry on that war. §. III. He continues (with the title of Proconsul) successfully to conduct the war against the Hetrurians. §. IV. The Dictator Papirius is no less successful against the Samnites. He returns to Rome, and retires for the rest of his life from public business. §. V. The Samnites, assisted by the Mariti and Peligni are defeated. The Hetrurians sue for an Alliance with Rome. The Romans subdue all Umbria. §. VI. They send an army against the Salentines. The HERNICI rebel and are subdued; and the SAMNITES are frequently defeated. §. VII. The Samnites request and obtain a renewal of their old alliance with Rome. The ÆQUI, who had lately rebelled, are totally subdued.

Y. of R. §. I. **T**HIS intestine disturbance did not stop the progress of the Roman arms. *Fabius marched against the Hetrurians, and defeated them near Sutrium.* The run-aways took refuge in the *Ciminian Forest*, a forest, says *Livy*, more impassable and dreadful than those of *Germany*, and through which not even a single merchant had ever yet made his way. *Fabius* was almost the only man in the army who had the boldness to think of entering into it: they were afraid of finding *Caudine Forks* in *Hetruria*. The General had with him at this time a near relation, named *Cassio Fabius*, who had been educated at *Cære* in *Hetruria*, and spoke the language of the country perfectly well. *Cassio* undertook to examine the forest and the places about it. He was accompanied in this enterprize by only one servant, who having been brought up with him, was also well acquainted with the *Tuscan* language. Before they set out, they took care to inform themselves of the names of the several Governors, and of the nature and situation of the places through which they were to pass, that in conversation they might not be discover'd through their ignorance of any thing that was notorious to all the

the natives. They were clad in the habit of shepherds, Y. of R. bearing each a cleaving bill and two javelins after the manner of the peasants. But neither their dress, their arms, nor their familiar use of the language, was so good a security to them against a discovery, as the general notion that no stranger would dare to enter that forest. In this disguise they are said to have travell'd as far as to *Camerinum* in *Umbria*, where they discover'd themselves to be *Romans*, treated with the Senate of the City in the name of the *Consul*, and obtained a promise from them to furnish the *Roman* army with a reinforcement of men, and with thirty days provision, in case it should come into those parts.

Upon the report made by *Cæso* at his return, *Fabius*, when it grew dark, first sent away his baggage, and soon after his infantry, to enter the forest. He himself stay'd in the camp with his cavalry, and early the next morning began to skirmish with the advanced guard of the *Hetrurians* that were posted without the wood. When by this means he had long enough amused the enemy, he retired into his camp, from whence he went out at another gate and overtook his main army before night. The next morning by day-break he reached the top of the hill *Ciminus* which was on the further side of the forest, and gave name to it: from hence he survey'd a while the fertile plains of *Hetruria*, and then sent out a detachment of soldiers, who not only brought off a great booty, but defeated a tumultuous army that had got together to rescue it out of their hands. After this the *Romans* returned to their camp near *Sutrium*, where they found two Tribunes of the People, with five Deputies from the Senate, dispatched expressly to forbid *Fabius* to enter the *Ciminian* Forest. These messengers were extremely pleased, that they had come too late to hinder an expedition which had succeeded so well. They returned to *Rome* with the joyful tidings, that a way was opened into *Hetruria*.

* From *Sutrium*, whence *Cæso* had set out to *Camerinum* in *Umbria*, it was a two day's journey.

Y. of R.

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Ref. J. C.399.
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sulship.

Liv. B. 9.

c. 37.

The detachment which *Fabius* had sent out to plunder, had alarm'd all the country near the foot of the hill *Ciminus*, and even the people of *Umbria* on the confines of *Hetruria*, so that prodigious numbers of each nation took the field, and came to the camp before *Stratium*. And now the *Hetrurians* not only brought their camp forward, but came out and drew up their forces in order of battle in the plain, leaving a space for the enemy to do the like. Finding that the *Romans* declined the fight, they advanced almost to their very trenches; and the soldiers cried out with one voice to their officers, that the remainder of their allowance of provision for that day might be brought to them, for they would stay there under arms, and attack the *Roman* camp, either in the night or early the next morning. *Fabius*, to deceive the enemy, still pretended fear, and kept close within his entrenchments: but he bid his men refresh themselves, and be ready for action upon the first signal. To raise their courage, he made a short harangue to them, extolling to a high degree the exploits of the *Roman* arms in *Samnium*, and assuring them, that the *Hetrurians* were not soldiers comparable to the *Samnites* for strength or courage; to this he added some dark words, by which he made them believe he had a secret correspondence in the enemy's camp, and was sure of the victory. About the fourth watch of the night he drew up his army in order of battle, within the entrenchment of the camp, caused the ramparts to be levell'd, and the ditch to be fill'd, and then marched out, and surpris'd the enemy while half asleep, and lying scattered over the plain. Of the *Hetrurians* were sixty thousand men slain or taken prisoners. Those who could escape, fled into the wood. Their camp was seized and plundered. Some say, that this action happened in the country beyond the hill *Ciminus* near *Perusia*. Be that as it will, three the most considerable *Lucumones*, after this overthrow, sent Deputies to *Rome* to sue for Peace; they obtained a Truce for thirty years.

§. II.

§. II. BUT the *Roman* arms under the conduct of Y. of R. the Consul *Marcus* had not the like success against the *Samnites*, though he gained at first some advantages over them. The *Roman* fleet, commanded by P. *Cornelius*, met with misfortunes. This was the first fleet the *Romans* had ever put to sea. The Admiral made a descent at *Pompeii*, in *Campania*, and his troops meeting with no opposition at first, were, by the eager desire of booty, carried farther into the country than was consistent with prudence, so that the inhabitants had time to get together, and they had the good fortune to intercept them in their return. They forced the *Romans* to relinquish their spoil; slew some of them, and chased those who escaped the sword to their ships.

This news, with a false report that *Fabius* had met with *Caudine Forks* in the *Ciminian* forest, revived the courage of the *Samnites*, and they gave *Marcus* battle. Much blood was spilt in the action on both sides, and it was not known which had the advantage. Nevertheless, as fame gave it against the *Romans*, (because some of the knights, and of the *Tribunes of the Soldiers*, and one of the Consul's lieutenants had been killed, and the Consul himself wounded) the Senate judged it necessary to create a *Dictator*; and nobody doubted but *Papirius* would be the man. How to get him nominated was the question: For whether *Marcus* were alive or not, no one at *Rome* could tell; and the *Samnites* had guards upon all the roads that led to his Camp: And, as for *Fabius*, the other Consul, he had a private and personal quarrel with *Papirius*. In this difficulty, the *Fathers* determined to send to *Fabius* some eminent members of their body, men of consular dignity, who, to the public authority should add the weight of their own, to engage him to suppress his resentments for the sake of his country. When the deputies, being arrived at his camp, had notified to him the Senate's decree, and had thereto added some discourse in the style of exhortation and intreaty to comply, he stood silent for a while, with his eyes fixed on the ground, and then withdrew without making any answer. At midnight

Y. of R. night (according to custom) he declared *Papirius* Dictator. Nevertheless, he plainly shewed the violence he had done to himself: For when the deputies returned him thanks for mastering his resentment, he dismissed them without any reply, they could not draw one word from him.

443.
Bef. J. C.
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sulship.

We have a remarkable instance at this time of the excessive superstition of the *Romans*. *Papirius*, after his nomination to the *Dictatorship*, and after he had appointed *C. Junius Bubulcus* to be his *Master of the Horse*, had recourse (as seems to have been the custom in these days at least) to an assembly of the People by *Curia* to obtain his commission. It having fallen by lot to the *Curia* called *Fauca* to vote first, the assembly would not proceed in the matter, because to the same *Curia* had fallen the like *prerogative* in those unfortunate years, when *ROME* was taken by the *Gauls*, and the *Roman* Legions were surprised in the *Caudine Forks*. The business was put off to the next day, and then *Papirius* obtained his commission without any ominous circumstance.

Livy, B. 9. c. 39. He march'd away with an army which had been suddenly raised upon the alarm, formerly mention'd, of *Fabius's* danger in passing the *Cimian* forest, and arrived at *Longula* on the frontiers of the *Volsci*, where *Marcus* delivered up to him the troops under his command. *Papirius* offered the *Samnites* battle, but they declined it; and for some days after, both parties continued quiet in their camps.

Y. of R. §. III. In the mean time *Fabius*, who in quality of *Pro-*
444.
Bef. J. C. consul had been continued at the head of the forces in
308. *Hetruria*, not only put to flight without difficulty an ar-
Fast Capit. my of *Umbrians*, but obtained a notable victory over the *Hetrurians*, who had assembled on the banks of a little lake called *Vadimonius* (near *Viterbo*) a more nu-

* Ei [*Papirio*] legem curiatam de imperio ferenti, triste omen diem diffidit, quod *Fauca* curia fuit principium, duabus insignis cladibus, captæ urbis & *Caudinæ* pacis: quod utroque anno ejusdem curiæ fuerat principium. *Livy*, B. 9. c. 38.

merous

merous and more courageous army than they had ever Y. of R. had before. All the soldiers of it were men who had ⁴⁴⁴ chosen⁴ one another to the service, and (as some think) ^{Bel. J. C. 308.} made a vow to conquer or die. This is supposed to be ¹⁴⁴ the meaning of their *Lex sacra*, by which they were ^{fulfill} bound: whoever violated this oath, might by any man be slain with impunity. Be that as it will, the extraordinary engagement, by which they had bound themselves, had such an effect upon them, that during the action, the *Romans* could not believe that they were contending with the same people, they had so often vanquished. The first line of the *Roman* army was cut to pieces, and the second repulsed; so that the *Proconsul* was obliged to bring his *Triarii* to the charge; nor was even this sufficient; it became necessary for the Cavalry to dismount, and go to the assistance of the Foot. But when the *Roman* Knights, who were quite fresh and in full strength, passing over heaps of slain, had placed themselves in the front of the battle, they made so furious an attack on the enemy, and were so well seconded by the Legionary Soldiers (though much fatigued) that the *Hebrurians* were soon broken, and their whole army put to flight. They lost the flower of their troops in this action.

§. IV. NOR was *Papirius* less successful against the *Livy, B. 9.* *Samnites*, who, to give their soldiers more pride and ^{c. 40.} spirit, had furnished them with finer arms and finer habits than usual. They divided their troops into two bodies, one of which they clothed in stuff of various colours, and provided with gilt bucklers; the other had silver'd bucklers, and were clothed in white habits; and they had all crests to their helmets, to make them look taller. That this novelty might have no ill effect upon the *Roman* soldiers, their officers put them in mind, that the true dress of a soldier was a sword and courage; that gold and silver were of no use in battles, and made but an ugly figure when distained with blood,

⁴ *Lege sacra coacto exercitu, quum vir virum legisset. Livy, B. 9. c. 39.*

but

Y. of R. but would be a very good booty to enrich the conquerors.

444.
Bef. J. C.

308.

144 Con-
sulship.

Papirius commanded the right wing of the *Romans*, which faced the many-colour'd troops of the enemy; and his General of the Horse, *Junius Brutus*, commanded the left, which faced their white battalions. *Brutus* cried out, as he advanced towards the enemy, 'I devote these white men to *Pluto*.' His attack presently threw the *Samnites* into disorder, and they began to give ground; which *Papirius* observing, called out to the *Romans* of the right wing, 'What! you have the *Dictator* at your head, and shall victory begin in the left?' While *Papirius* thus animated the Infantry of the right to make a vigorous charge, his two Lieutenants, (both eminent men, who had been Consuls) *M. Valerius* (on the right) and *P. Decius* (on the left) quitted the Foot, and putting themselves at the head of the Cavalry, each on his own side, made a sudden and furious attack on the enemy's flanks. The *Samnites* finding themselves almost surrounded, a terror seized them, they instantly broke their ranks and fled to their camp; but their loss in the battle had been so great, that they durst not think of defending it. Before night it was taken and burnt.

Fest. Capit. The *Dictator*, after the victory, returned to *Rome*, and had a Triumph, of which, the fine arms taken from the *Samnites* were the chief ornaments. They were afterwards delivered to the Goldsmith's company, to beautify the *Roman Forum* with them: And hence arose the custom of the *Ædiles* adorning the *Forum*, on those days when the images of the Gods were carried in procession through the streets of *Rome* in chariots.

The Triumph of the *Proconsul Fabius* followed that of the *Dictator*, and, tho' less splendid, was accompanied with more applause, because he had had no sharer in his glory; whereas the other had been much indebted for his success, not only to his General of the Horse, but to his two Lieutenants, *Valerius* and *Decius*.

§. V.

§. V. *PAPIRIUS* was now grown old. He ap-^{Y. of R.}peared no more in any public station, but for the fu-^{445.}ture left all the glory of heroical exploits to his rival^{Bef. J. C.}
Q. Fabius, who was now (the 3d time) with *P. Decius*^{307.}
Atus (the 2d time) raised to the Consulate. *Samnium*¹⁴⁵ Con-
 fell by lot to the former, and *Hetruria* to the latter. *Liwy*, B. 9.
Fabius took *Nuceria*, [the last town in *Campania*, on the
 other side of mount *Vesuvius*,] from the *Samnites*, and
 defeated them afterwards in a battle, but a battle so
 inconsiderable, that it would not deserve notice in
 History, had it not presented the Republic with new
 enemies who had not before appeared. The *Marfi*
 and *Peligni*, two petty nations in the neighbourhood of
Samnium, northward, had joined the *Samnites*, tho' with
 little benefit to their allies.

As for *Decius*, he made such a happy progress in his
 province, that all *Hetruria* desired an alliance with
Rome: But the Republic having (doubtless) formed the
 design of conquering this country, granted the *Hetru-*
rians, only a Truce for one year. Soon after the *Um-*
brians assembled all their forces, and, being joined by
 great numbers of *Hetrurians*, they confidently boasted,
 that, leaving *Decius* behind them in *Hetruria*, they
 would march directly to *Rome*. This put both the
Consuls in motion. *Decius* made long marches from
Hetruria, and encamped his army in the *Pupinian* field,
 near the river *Anio*, about eight miles distant from
Rome. But the enterprising *Fabius* no sooner received
 orders from the Senate (alarmed by the preparations of
 the *Umbrians*) than he quitted *Samnium*, crossed *Sabi-*
nia, entered *Umbria*, and encamped in the very heart
 of the country near *Mevania*, on the banks of the
Clitumnus. The *Umbrians* were terrified at his un-
 expected appearance among them; and tho' they ven-
 tured to give battle, they behaved themselves like
 women in the action: the *Romans* hardly made use of
 their swords; they beat down the enemy with their
 bucklers alone, so that little blood was spilt; but the
 whole army were made prisoners, and the whole nation
 soon

soon after submitted. After this *Fabius* returned to his camp in *Samnium*.

Y. of R. §. VI. THE time being now come for a new election of *Consuls*, *Appius Claudius*, who had held the *Censorship* five years contrary to law, stood candidate for the *Consulate*, and obtained it. *L. Volumnius Flammas* was appointed his Collegue. *Appius* not being qualified for the command of armies, the Senate obliged him to stay in *Rome*; and notwithstanding his opposition to it, continued *Fabius* in quality of *Proconsul*, and without any associate, in the command of the troops in *Samnium*, where he obtained a considerable victory over the enemy near *Alifæ*, on the banks of the *Vulturnus*. In the mean time, *Volumnius* made war against the *Salentines*, in the extreme part of *Italy*, with good success, and for the first time spread the terror of the *Roman* name in those parts.

Fast. Capit. In the election of Magistrates for the following year, the *Romans* chose *Appius* to be *Prætor*, a post much better suited to his talents; and at the same time raised

Y. of R. 2. *Marcus Tremulus* and *P. Cornelius Arvina* to the *Consulate*. The former was order'd to march against a body of *Hernici*, who had taken arms on account of the severe treatment which some of their countrymen (made prisoners in the last battle of the *Romans* with the *Samnites*) had suffered at *Rome*. The rebels lost three camps in a few days, and were forced to surrender at discretion. This war being ended, *Marcus* hasten'd to join his Collegue, who had suffer'd himself to be invested in narrow passes by the *Samnites*. The enemy, to prevent the uniting of the two armies, gave *Marcus* battle, while his troops were fatigued and in some disorder. The place where they attack'd him being not far from the camp of *Cornelius*, the latter could hear the shouts of the combatants, and see the clouds of dust that they raised; judging therefore that his Collegue was engaged in fight with the enemy, he sallied out of his entrenchments, fell upon the *Samnites* in flank, broke through them, and made his way to their camp, which he found empty, and set fire to it.

The

The sight of the fire totally discouraged them, so that ^{Y. of R.} they immediately dispersed themselves and fled, leaving ^{447.} thirty thousand men dead on the spot. But this action ^{Bef. J. C.} was no sooner over, than the *Romans* found themselves ^{305.} obliged to enter upon a new engagement with a body ^{147 Con-} of fresh troops coming to reinforce the *Samnite* army. ^{fulship.} The success of this battle being the same with that of the preceding one, the *Samnites* were reduced to sue for peace. The *Consuls* referr'd their Deputies to the Senate and People of *Rome*.

Whilst *Marcus* and *Cornelius* were yet in the field, ^{Livy. B. 9.} the time came for electing new Magistrates; so that a ^{c. 44-} *Dictator* was named to preside in the *Comitia* by *Centuries*, who chose *Posthumius Megellus* and *Tib. Minucius Consuls*. Before they took possession of their office, the Senate determined the fate of the *Hernici*. Those of their cities that had continued faithful, were allowed to chuse whether to live according to their ancient laws, or to have the right of *Roman Citizenship*, and they preferred the former. The rest were declared *Roman Citizens*, and obliged to be govern'd by *Roman Laws*, whether they liked it or not, yet without having the right of suffrage.

At this time Deputies arrived from *Carthage*, with a ^{c. 43.} compliment and presents to the Republic; and some *Historians* say, that a third treaty was now made with the *Carthaginians*.

The new *Consuls* were both ordered into *Samnium*, ^{Y. of R.} each at the head of two *Legions*. *Posthumius* directed ^{448.} his march towards the city of *Tifernum*, and *Minucius* ^{Bef. J. C.} encamped in the neighbourhood of *Bovianum*. The ^{304.} first ^{148 Con-} came to a battle with the *Samnites*, the success of ^{fulship.} which was equal on both sides; but he, pretending to ^{Liv. B. 9.} be worsted, retired the next night to the mountains, ^{c. 44-} and there fortified himself in an advantageous place. The *Samnites* followed and encamped within two miles of him. *Posthumius* hereupon finish'd his entrenchments with all expedition, and leaving a sufficient number of troops to guard them, marched out at midnight with the rest, and join'd his Collegue, who lay in sight of

Y. of R. of another body of *Samnites* that waited for an opportunity to engage. *Minucius*, by the advice of *Posthumius*, advanced into the plain with only his two *Legions*, and offered the enemy battle. The victory was long disputed; but at length *Posthumius* appearing with his fresh troops, and falling suddenly upon the *Samnites*, whose strength was exhausted, the latter suffered a terrible slaughter. They lost one and twenty Ensigns. This action over, the two *Consuls* led their joint forces to *Posthumius's* camp, and thence fell upon that body of *Samnites* which was posted near it. This proved a bloodier battle than the former; *Minucius* was killed in it, and *Staius Gellius*, the *Samnite* General, taken prisoner. Victory declared for the *Romans*, who took twenty six Ensigns from the enemy.

The People at *Rome*, on the news of *Minucius's* death, immediately appointed *Fulvius Curvus* to succeed him, and to finish the campaign, which he did by reducing *Bovianum* and several other cities to surrender, for which he had a Triumph at his return home.

Y. of R. §. VII. IN the beginning of the administration of the succeeding *Consuls*, *C. Sempronius Sopbus* and *P. Sulpicius Saverrio*, the *Samnite* nation sent Deputies to *Rome* to desire a renewal of the ancient confederacy with the Republic: But the *Romans*, before they would grant this request, dispatched *Sulpicius* with an army into *Samnium*, to examine the sincerity of the *Samnites*, and discover their real sentiments. They received the *Consul* every where with great marks of respect and friendship; and upon his report of the seeming alteration in their dispositions, a new alliance was made with them on the old foot.

And now the Republic prepared to punish her old enemies the *Æqui*, who, notwithstanding the Treaty between them and *Rome*, had many times privately sent succours to the *Samnites*, and had of late openly espoused their cause, following the example of the *Hernici*. They had likewise returned this haughty answer to the *Roman Feciales*, who had been sent to them to demand satisfaction: ' That they supposed it was only a

trial,

trial, whether through the fear of a war they would
suffer themselves to be made *Roman Citizens*; which,
how desirable a thing it was, the *Hernici* had taught
them; seeing those of that nation; who had been left
free to choose, had preferred *their own Laws* to Ro-
man *Citizenship*; and those who had been compelled
to be *Roman Citizens* looked upon it as a punishment.

War was therefore declared against the *Æqui*, and both
the *Consuls* were ordered to enter their country. The
long subjection and inaction of this people had enervated
their courage, and untaught them Military Discipline.
They assembled an army, but there was no order, no subordination
among the soldiers, nor could they come to any agreement
what measures to take. At length they all unanimously
left their camp at midnight, and every one made the best
of his way home. The *Consuls*, who the next morning
drew up their troops with an intention to offer battle,
were much surprized at the inaction of the enemy, and
the silence that reigned in their camp. No advanced
guards appeared, no centinels upon the ramparts.
At first they suspected an ambush, and proceeded
with caution; but when they discovered the truth,
resolved to lay siege to the Cities whither they
had retreated. In fifty days the *Consuls* took
forty one Towns, most of which they razed or
burnt, which entirely reduced the *Æqui*; and
this rapid destruction spread such a terror among
the neighbouring nations, that the *Marfi*, *Peligni*,
Frentani, and *Marrucini*, all sent to solicit an
alliance with the Republic. Their request was
granted.

C H A P. XVIII.

§. I. The renowned Q. FABIVS being CENSOR this year,
acquires the surname of MAXIMUS, for his reformation
of an abuse introduced by APPIVS. §. II. Colonies are
sent to the Conquered Cities. The art of Painting is
introduced at Rome by C. FABIVS, surnamed PICTOR.
Cleonymus, son of Cleomenes King of Sparta, brings
a fleet upon the coast of Italy, and makes two descents

there. §. III. *An insurrection of the Marfi is quelled. After a victory over the Hettrurians, a Truce is granted them, for two years.*

Y. of R. §. I. **T**HIS success of the Roman arms abroad was followed by reformatations at home. The famous Q. Fabius Rullianus being this year (with P. Decius Mus) in the *Censorship*, employed his power to rectify an abuse introduced by Appius Claudius into the State. * In the year 441. Master in the Senate, had brought the sons of Freed-men into it; but this novelty had not lasted above one year; his list of Senators was cancelled, and the old one took place. Not succeeding therefore in that enterprize, he, in order to govern the Elections in the *Comitia*, dispersed the Freed-men, and the very lees of the People, men wholly devoted to him, into all the Roman Tribes, and this occasioned endless broils in the Republic. It was owing to the same cause, that the Curule *Ædileship* fell this year into the hands of two very mean persons, the one a native of *Præneste*, the other Cn. Flavius, the grandson of a Freed-man, and whose first profession had been that of a scribe^b. Having by some means learnt the rules by which the Pontifices settled the Term-days, or the days for hearing Causes, and such other matters as were within their peculiar province, he composed a Calendar, transcribed it, and fixed it up in the Forum for the use of the People^c; who being thereby freed from their dependance on the Pontifices in this respect, rewarded him with several honourable employments, to which they raised him successively, and at length with the Curule *Ædileship*. The Nobles were so deeply affected with the indignity offered them by this promotion of Flavius.

^b Pliny (B. 33. c. 1. §. vi.) says, that Flavius had been scribe to Appius Claudius Cæcus, and, at his instigation, both made himself master of the secret (by artful enquiries) and published it.

^c Flavius published likewise what Livy calls *Civile jus repositum in penetralibus pontificum*. See TAYLOR's *Elements of Civil Law*, p. 77—81, where this matter is satisfactorily explained.

that

that many of them laid aside their ornaments, and particularly their Gold-Rings, as in a time of mourning. Y. of R. 449. Bef. J. C.

Fabius, to re-establish peace in *Rome*, and to hinder the great dignities from being bestowed on worthless men, reincorporated into the four *City Tribes* those mean fellows whom *Appius* had taken thence, and dispersed among the *Country Tribes*; so that for the future they could influence no more than four *Tribes*; and in these they were not the strongest: a reformation so agreeable to the Republic, that on this account alone the *Romans* gave *Fabius* the surname of *Maximus*, which he had not acquired by all his military exploits. It was perpetuated in his branch of the *Fabian* family. 303. 149 Cons. at fullship.

In this *Censorship* likewise an ordinance was made, that the *Roman Knights* should every year on the *Ides* of *July* appear on horseback dressed in purple, and crowned with Olive, and march in procession from the Temple of *Mars* to the *Capitol*, [in honour of *Castor* and *Pollux* who fought for the *Romans* at the Lake *Regillus*.]

§. II. THE Republic being now in peace with her neighbours, the year of the Consuls *S. Cornelius Lentulus* and *L. Genucius Aventinensis* was almost wholly spent in sending Colonies to the conquered Cities. To *Sora* 4000, to *Alba* (in the country of the *Æqui*) 6000 men were sent. The same year to the *Arpinates* and *Trebulani* were granted the privileges of *Roman* Citizens; but from the *Frusinates* was taken a third part of their land, because they had solicited the *Hernici* to make war on the *Romans*. The public tranquillity suffered a short interruption by a gang of Robbers in *Umbria*, who ravaged the country far and near. Their retreat was a great cave with two entrances; and the *Romans* having found them both, lighted great fires at them, so that some of the wretches (whose whole number amounted to two thousand) were stifled with the smoke, and the rest threw themselves into the flames. Y. of R. 450. Bef. J. C. 302. 150 Cons. at fullship. Vel. Pat. B. 1. Livy, B. 10. c. 1.

This expedition was followed by an inconsiderable war. In the beginning of the *Consulship* of *M. Livius Denter* and *M. Æmilius Paulus*, the *Æqui* took umbrage Y. of R. 451. Bef. J. C. 301. 151 Cons. at fullship.

k i 2

Y. of R. at the Colony of six thousand men which the Republic
 451. had lately sent to *Alba*, and they laid siege to that place.
 Bef. J. C. But *Junius Brutus*, whom the People named *Dictator*
 301. upon this occasion, marched against them, and by a
 151. Con- speedy victory put an end to the war in eight days
 fulship. time. At his return home he dedicated to *The Goddess*
of Health a Temple, which he had vowed when he was
Consul, and of which he had laid the foundation when
 he was *Censor*. And this is the first time that History
 mentions the use of the art of Painting in *Rome*. C.
 Pliny, B. 35. c. 4. *Fabius* (afterwards *Consul*) painted all the walls of the
 Val. Max. new Temple in *Fresco*, and thence got the surname of
 B. 8. c. 15. *Pictor*.

Liv. B. 10. c. 2. At this time *Cleonymus*, the son of *Cleomenes* King of
Sparta, came with a great fleet on the coast of *Italy*,
 with design to make a settlement there, and he took
Thuriae [antiently called *Sybaris*] a City of *Lucania*. Be-
 ing driven thence by the *Romans* he made a second de-
 scent, in the place where *Venice* now stands. But this
 expedition proving as unfortunate as the former, he re-
 turned to his own country, having lost four fifths of his
 fleet.

Y. of R. §. III. THE following year the Republic had no
 452. *Consuls*, but was governed by two *Dictators*, one after
 Bef. J. C. another, each of whom fulfilled his six months. The
 300. first was *Fabius Maximus*. The revolt of the *Marfi*
Fajst. Capit. induced the *Romans* to put this eminent warrior at the
 head of their troops. He marched an army against
 them, and by one single victory quieted that insurrec-
 tion. *Valerius Corvus*, who succeeded *Fabius*, was
 named to the *Dictatorship*, to conduct a war against the
Hetrurians, in which the Republic was engaged, by
 Liv. B. 10. taking part in the civil broils of that people. But the
 c. 3. *Roman Legions*, having entered *Hetruria*, were no sooner
 advanced within a small distance of the enemy, than a
 religious scruple seized the *Dictator*. He called to mind
 that there had been some defect in the ceremony of
 his inauguration, upon which he strait returned to *Rome*,
 to renew the *Auspicia*. In his absence *Sempronius Sophus*,
 his General of the Horse, imprudently made an incur-
 sion

sion into the country, fell into an ambush, and lost a Y of R
 great number of men and some colours. The news of ^{452.}
 this defeat, which was much magnified, caused an ex- ^{Bef. J. C.}
 traordinary terror at *Rome*, and the *Dictator* hastened ^{300.}
 away with new levies to the camp. At his arrival he ^{Liv. B. 10.}
 found things in a much better condition than had been ^{c. 4.}
 reported. *Sempronius* had changed his post for a more
 safe and advantageous one; the *Manipuli*, who had lost
 their Colours, were impatiently waiting in great shame
 and disgrace without the camp (where they continued
 day and night without covering) for an opportunity to
 recover their honour, and the whole army desired no-
 thing so much as a battle, that they might have their
 revenge. *Valerius* seeing this good disposition of his
 troops, led them into the fields of *Russella*, one of the
 twelve chief cities of *Hetruria*. The *Hetrurians*, flushed
 with their success, followed him, and endeavoured by
 a stratagem to surprize *Fulvius*, one of the *Dictator's*
 Lieutenant-Generals, who with a detachment had pos-
 sessed himself of a fort at some distance from the *Roman*
 camp. Some *Hetrurian* officers, in the dress of shepherds,
 came with their flocks near the walls of the fort. This
 was a bait to draw the *Romans* out; a body of troops
 lay ready in ambush to fall upon them. *Fulvius* disco-
 vering their artifice by their speech, which was more
 elegant than that of shepherds, bid some of his men
 call out to the pretended shepherds and tell them,
 ‘ That they would find it as hard to deceive the *Romans*
 ‘ as to conquer them.’ When the *Hetrurians* perceived
 that their stratagem would not take effect, they present-
 ly after appeared, and besieged *Fulvius* in form. The ^{c. 5.}
Dictator had notice of his distress, and hastened to his
 relief, and this brought on a general action. *Valerius*,
 to surprize the enemy, instead of posting his Cavalry
 in the wings of his army, as was usual, drew them up
 behind his Infantry, leaving spaces in the lines for the
 horse to advance upon a signal. And in reality, when the
Romans had given the first shout for the combat, it was
 not their Infantry but their Cavalry that began the
 charge. Passing through the intervals before mentioned,

they drove full speed upon the enemy; and this unexpected attack so terrified and disconcerted the *Hetrurians*, unprepared for it, that the battle was neither long nor doubtful. They quickly gave ground, dispersed themselves, and fled; and the victory of the *Romans* was compleat. The *Hetrurians*, humbled by this fresh blow, once again sued for peace, but could obtain no more than a truce for two years.

C H A P. XIX.

§. I. *In the year of Rome 453, a Law is passed, to qualify PLEBEIANS for the Pontificate and Augurate.*

§. II. *The Lex Valeria is confirmed anew.* §. III. *Q. Fabius Maximus declines the Consulship, and at his own request obtains the Curule Ædileship.*

V. of R. 453.
Bef. J. C. 299.
152 Consulship.
* A fifth time.
Fast. Capit. Liv. B. 10. c. 6.

§. I. **A**T the next election of Magistrates, *Valerius Corvus*, though absent, was again * promoted to the Consulship; and the *Comitia* appointed *Q. Apuleius Pansa* to be his Collegue. During their administration the *Hetrurians* and *Samnites* continued quiet, and the Republic enjoyed an interval of tranquillity abroad. But as it had ever been the fate of *Rome* to have commotions at home, when she had no foreign enemies, so now two *Tribunes of the Commons*, brothers, of the name of *Ogulnius*, set on foot a new contest with the *Patricians*, concerning honours and dignities. The only important offices which the *Plebeians* did not share with the Nobility at this time, were the *Pontificate* and the *Augurate*. *Numa* had appointed only four *Pontifices*, and that number had never been increased. The *Augurs*, though but three in number at their first institution by *Romulus*, had been augmented to six. However, the *Augural* College consisted now but of four, probably by the death of two. The *Ogulni* presented a petition to have four additional *Pontifices* chosen out of the *Plebeians*, and to have five *Plebeian* *Augurs* added to the four in being. The *Patricians* were highly offended with this proposal; but as they had

had experienced the fruitlessness of their endeavours to ^{Y. of R.} exclude the *Plebeians* from the *Consulate* and the other ^{453.} great dignities, they made no other opposition to this ^{Bel. J. C.} new encroachment on their prerogatives, than by de- ^{299.} claiming in all places against the innovation, as an as- ^{152 Con-} sulship. front offered to the Gods themselves. ‘ May heaven ^{Livy B. 10.} grant that so wicked a profanation of our sacred my- ^{c. 7 & 8.} sterics draw no calamity on the *Republic*!’ The matter was first debated before the assembly of the *Curia*, where *Appius Claudius*, so famous for his attempts to humble the Nobility, became now their most zealous advocate. But as his harangue contained nothing more than a repetition of the old arguments that had been so often employed against the admission of *Plebeians* to the *Consulate*, History has not transmitted it to us. On the other hand, *P. Decius Mus*, who had been twice *Consul* and once *Dictator*, spoke in behalf of the *Plebeians*. He put the assembly in mind of his father *Decius*, who devoted himself to death for the *Roman Legions*, and thereby made *them* victorious. ‘ If *Decius* was as pure and as agreeable a victim to the Gods as his *Patrician* Colleague *Manlius* would have been, had he offered himself; what should hinder, but that the same *Decius* might have been chosen to officiate in our Religious Ceremonies and Sacrifices? And after all, whence is it that the *Patricians* derive this peculiar privilege of being alone worthy to minister in sacred things? Did they descend from Heaven with the quality of *Patricians*? or did *Romulus* give that title to his ancestors, only because they could tell who were their Fathers and Grandfathers, that is, because they were men of free condition? If this be all, I am able to name a *Consul* for my Father; and my son may boast, that both his Father and Grandfather have been honoured with the highest dignities in the Republic. But to what purpose should I reason any longer? The *Patricians* have nothing solid to offer, they only seek to amuse us with words and noise, and they know very well that we shall carry our point. My opinion therefore is, that the People by their suffrages do im-

Y. of R. 453. This Debate was in the assembly of the *Curie*; but
 Bef. J. C. 209. in order to decide the affair, it had been before agreed
 152 Con- to summon the *Tribes*; and there both points were car-
 fulship. ried in favour of the People, and *Decius* was chosen
 Livy, B. 10. one of the new *Pontifices*.

c. 9. §. II. *VALERIUS* took the opportunity of the present tranquillity to revive an old Law *, made by *Valerius Poplicola*, and afterwards renewed † by another
 * In the year 244. of his ancestors, enacting, ‘ That in Capital causes the
 † In the year 304. ‘ accused should have a right of appealing to the *Tribu-
 nal* of the People.’ The *Patricians*, by their interest and power, had hindered the effect of this law, and rendered it obsolete; but it was now once more restored, and expressed in stronger terms than before; with no other sanction however, but ‘ That the transgressors of
 ‘ it should be deemed guilty of a dishonest action; a penalty which should have been of little influence in a more corrupt age, but sufficient at this time to restrain the *Romans*, who piqued themselves upon their virtue, and had no hope of rising to great employments, unless they had preserved their reputation pure and untainted.

e. 9. §. III. IN the following *Comitia* for electing new *Consuls*, *Q. Fabius* finding that the People were inclined to raise him again to that dignity, though he had not entered his name among the *Candidates*; and considering that he should gain but little glory in a time of tranquillity, desired the assembly to reserve that mark of their esteem for him till a more tempestuous season, and declared, that a civil employment at present would be more agreeable to him. Accordingly they placed him (with *Paprius Cursor*, the son of the Great *Papirius*) in the *Curule Ædileship*; nor did his superior merit appear less conspicuous in this station than in military command: For when, not long after, there happened to be a great scarcity of corn at *Rome*, he took such effectual care to guard the People against famine, by bringing corn from abroad, and by making a proper and wise distribution of it, that the poorer sort confessed they owed their lives to him.

e. 11.

C H A P. XX.

§. I. *The Hettrurians break the Truce with Rome. Picenum obtains an alliance with the Republic. Valerius Corvus being declared Consul (the sixth time) the very name of this renowned warrior strikes such a terror into the Hettrurians, that they desist from the war.* §. II. *A report being spread, that both the Hettrurians and the Samnites were making mighty preparations to attack the Republic, the Romans oblige the great FABIUS to accept the office of Consul contrary to his inclination; and, at his request, give him P. Decius DUS to be his Collegue. The Hettrurians ask peace; so that the Consuls march their two armies into Samnium.*

§. I. **T**HE Consuls chosen for the new year were M. Y. of R. Fulvius Petinus and T. Manlius Torquatus. ⁴⁵⁴
Fulvius went into Umbria to carry on the siege of Nequinum (which Apuleius, one of the former Consuls, had begun) and, by the treachery of some of the inhabitants, he made himself master of the place. The Romans sent a Colony thither, to keep the rest of the Umbrians in awe. ^{Bef. J. C. 298. 153 Consuls. Livy, B. 10. c. 10.}

In this Consulate, the *Hettrurians* broke their truce with *Rome*. But when they were preparing to enter the *Roman* territory, an irruption of the *Gauls* into their country suspended the design; however they did not drop it. On the contrary, that they might execute it with the better success, they endeavoured by large sums to engage the *Gauls*, not only to forbear pillaging *Hettruria*, but to join with them against *Rome*. The *Gauls* seemed to listen to the proposal, took the money, and withdrew their troops. But when the time came for marching against the *Romans*, they excused themselves, unless the *Hettrurians* would assign them a part of their territory to settle in; and this was absolutely refused.

During these negotiations between the *Hettrurians* and *Gauls*, *Picenum*, on the borders of the *Adriatic*, sent Deputies to *Rome* to ask an alliance with the Republic;

Y. of R. public ; a request which the *Romans* easily granted in the present necessity of their affairs, and then they dispatched away an army to punish the *Hetrurians* for their breach of faith. The command of it had fallen by lot to *Manlius* ; but this General losing his life by a fall from his horse, the *Centuries* met to chuse him a successor, and (which had never happened since the birth of the Republic) all the suffrages were given in favour of one and the same man, *Valerius Corvus*, now the sixth time created Consul. His first Consulship was in the year 405, according to the *Capitoline Marbles*. Though now in a very advanced age, he made the campaign with all the vigour of a man in the bloom of life. His very appearance at the head of the *Roman* army so terrified the *Hetrurians*, that they durst not continue in the field, but shut themselves up in their fortified places ; nor could the burning of their villages, and the laying waste their country, provoke them to hazard a battle. This was the last of *Valerius's* Military expeditions. In what year he ended his days is unknown, but it is certain that he lived to above an hundred. He was promoted one and twenty times to offices that gave him a right to sit in the *Curule Chair*, (which can be said of no *Roman* but himself,) and, when not in any public station, he made Agriculture his chief employment and amusement. He was not only a worthy Patriot and good pattern of that Affection which men owe their country, but an excellent model of the Paternal Care which the head of a great family ought to have of his children and relations. Great in Peace and great in War, *Valerius Corvus* shone eminent even among those Heroes who appeared in the most glorious, because the most virtuous, age of *Rome*.

§. II. TOWARDS the close of the year the Republic (by what accident is unknown) fell into an In-

According to *Plutarch*, *Cicero*, *Val. Maximus*, and others, there were 46 years between *Val. Corvus's* first Consulate and his last ; according to the *Fast. Capit.* 48.

Two new Tribes, *Amiensis* and *Terentina*, were this year added to the 31 in being.

per-regnum. When the *Comitia* were held for a new election of Magistrates, *Appius Claudius* took it into his head to oppose the admitting of any *Plebeian* into the *Consulship*: But all his rhetoric proved ineffectual, and *Cn. Fulvius Centumalus*, a *Plebeian*, was made Collegue to *L. Cornelius Scipio*. During their administration the *Hetrurians* took arms again, and the *Samnites* broke their alliance with *Rome*. *Scipio* marched against the former, and gave them battle, the success of which was doubtful. However the *Hetrurians*, after the action, were seized with an unaccountable terror, deserted their camp in the night, and returned to their respective *Lucumonies*; and the *Consuls* pillaged and laid waste the whole country. This is *Livy's* account. But the *Fasti Capitolini* make it more probable, that this expedition of the *Romans* into *Hetruria* was under the conduct of *Fulvius*, who afterwards marched against the *Samnites*, and gained an unquestionable victory over them near *Bovianum*.

Before the expiration of the present *Consulship*, a report prevailed of mighty preparations that the *Samnites* and *Hetrurians* were making to attack the Republic once more. Hereupon, the first care of the *Romans* was to choose able Generals for the next campaign; and all eyes immediately turned upon *Fabius*. But he (from what motive is hard to guess) declined the honour, and excused himself to the People on pretence of his age, and the decay of his strength and vigour. And to shew that he was in earnest, he ordered the law to be read, which forbade any man to bear the office of *Consul* twice within ten years^a; a law made in the year 411, but which had not been strictly observed. Nevertheless, the People being bent upon having him for one of their *Consuls*, made such a clamour when the statute was going to be read, as quite drowned the

^a According to *Livy* and the *Fast. Capitol.* there had been ten Consulates since *Fabius* was in that station; so that if his objection was good, we must conclude, that the *Consular* years were not always compleat years, and are therefore a very uncertain measure of time. C. & R.

Y. of R. voice of the person appointed to read it; nay, the *Tribunes* themselves threatened *Fabius*, that if he did not
 455. *Def. J. C.* desist from opposing his election, they would get the
 297. People to dispense with the law by a formal decree.
 154 Con- When *Fabius* found that there was a necessity of com-
 torship. plying, he resisted no longer; but then he desired that
 they would at least oblige him so far as to give him a
 Colleague to his own mind, and proposed to them *Decius Mus*, who had been joined with him in his last
Consulship, and with whom, he told them, he had lived
 in perfect concord and harmony. The *Comitia* grant-
 ed his request, and those *Centuries* who had not yet
 voted, gave their voices unanimously for *Decius*. The
 rest of the year was spent in restraining the avarice of
 those, who, contrary to law, possessed more than five
 hundred acres of land.

Y. of R. While the new *Consuls Fabius* * and *Decius* † were
 456. considering together in a friendly manner, which of
 155 Con- them would be able to conduct the war in this or that
 fulship. province, with most advantage, and what number of
 * A 4th forces it would be necessary to employ in each, Deput-
 time. ies arrived at *Rome* from *Sutrium*, *Nepete*, and *Falerum*,
 † A 3d who all agreed in their report, that the *Hetrurians* in
 time. their last Diet had resolved to desire a peace. Upon
 Livy, B. this both the *Consuls* marched into *Samnium*, but en-
 10. c. 14- tered it different ways. *Fabius* took the shortest cut,
 by *Sora*; and being informed by his scouts, that the
Samnites had laid an ambush for him on the banks of
 the *Tifernus*, and were waiting for his coming into a
 deep valley, that they might fall upon him from the
 hills, he resolved to attack them in their concealment.
 But they finding their project discovered, left their am-
 bush, and drew up in order of battle in the plain.
 The brave resistance they made in the beginning of
 the engagement gave *Fabius* some uneasiness. He
 commanded his Cavalry to give their horses the reins,
 and to rush upon the enemy with their usual impetuosi-
 ty, but this proved ineffectual. His next-recourse was
 to stratagem. He ordered *Scipio*, one of his Lieute-
 nants, to take the *Hastati* of the first Legion, march
 them

them by round-about ways in silence to the top of a ^{Y. of R.} neighbouring hill, and thence fall on the enemy in the ^{456.} rear; and this motion was made without being per- ^{Ref. 7. C.} ceived, either by the rest of the army, or by the ^{296.} *Sam-* ^{155 Con-} *nites*. In the mean time the latter, proud of having ^{sulship.} repulsed the *Roman* Cavalry, pushed the first line of the Infantry briskly, and forced them to retire through the spaces in the second line, which consisted of the *Principes*. But when these began likewise to lose ground, *Scipio* appeared with his detachment in the rear of the enemy. *Fabius*, to encourage his men, made them believe, that it was the army of his Collegue *Decius* come to his assistance. And the same persuasion prevailing among the *Samnite* Troops, they immediately disbanded and fled. The slaughter was not great, but the *Romans* took twenty three Colours.

Decius, whose name had been of service in this ac- ^{Livy, B.} tion, had likewise in another respect contributed to the ^{10. c. 15.} victory, by having defeated the *Apulians*, who were to have joined the *Samnites*. After this the two *Consular* armies continued five months in *Samnium*, and made incredible devastations; *Decius* changing his camp forty five times, and *Fabius* his, eighty six, for that purpose.

C H A P. XXI.

§. I. *Appius Claudius makes a fruitless attempt to get the Consular Fasces for Fabius and himself to the exclusion of all Plebeian Candidates. Fabius being president in the Comitia, opposes his own re-election. Great advantages are gained over the Samnites.* §. II. *Appius, tho' much embarrassed with a war against the Hetrurians, pretends to be displeased with the arrival of his Collegue Volumnius, to his assistance from Samnium. The united armies of the two Consuls come to a battle with the enemy, and totally defeat them.* §. III. *Volumnius returns into his own province, and gains a new victory over the Samnites.*

FABIUS returned to *Rome* to hold the *Comitia*. The Centuries, first called, had all voted for him to be one

Y. of R. one of the *Consuls*, when he himself opposed the proceeding. At first he offered the same objection which he had employed the year before. But when *Appius Claudius* (who had probably secured his own election) and the whole body of the Nobility, surrounded his chair, and pressed him in the most earnest manner ' to

take this opportunity of excluding the *Plebeians* from the *Consulship*, and thereby restoring both to that Magistracy and to the *Patricians* their pristine dignity, he answered, ' That he should not have refused to receive the names of two *Patricians*, if he had observed an intention to join any other but himself with

Appius Claudius; but would never give so bad an example, as that of standing candidate, contrary to Law, in an Assembly where he himself presided.' Hereupon *Volumnius Flamma*, a *Plebeian*, was chosen Colleague to *Appius*. The *Patricians*, much dissatisfied with *Fabius*, imputed his refusal of the *Consulship* to his dislike of *Appius* for a Colleague, a man who far surpassed him in eloquence, and the arts of civil government.

Both the *Consuls* of the last year received orders to continue the war in *Samnium*, in quality of *Proconsuls*, for six months; so that the Republic had very soon four armies on foot under four Generals.

Fabius, after his return into *Samnium*, was obliged to lead his army against the *Lucanians*, who had lately rose up in arms; and he spent his *Proconsulate* in keeping them in awe, and hindering them from joining the *Samnites*. In the mean time *Decius* push'd the *Samnites* to the last extremity, drove their army even out of *Samnium*, and then laid siege to their Towns. When he had taken and sack'd *Murgantia*, he persuaded the soldiers to sell their booty for money, that they might not be incumber'd with it in their future expeditions. After this, *Romulea* and *Ferentinum* were both taken by assault; and, to compleat the destruction of *Samnium*, a new army of two *Legions* and fifteen hundred auxiliaries advanced thither under the command of the *Consul Volumnius*.

§. II. THE

§. II. THE war with the *Hetrurians* had fallen by lot to *Appius*. The storm was now gathered on that side. For the *Samnites*, who had been driven out of their own country by *Decius*, had taken refuge in *Hetruria*, and there, in a Diet held at their request, had press'd the chiefs of the *Lucumonies* to exert their utmost strength against the *Romans*, offering to serve under them at their own expence, and to follow them even to the foot of the *Capitol*. The *Hetrurians*, pleased with this proposal, had raised a formidable army, which was strengthened with some Troops of the *Gauls*, whom they had engaged by the force of money to join them. Upon the news of so powerful a confederacy formed against the Republic, the *Romans* dispatched away *Appius* at the head of two *Legions* and twelve thousand auxiliaries; but it was rather to keep the enemy within bounds, than in expectation of any notable advantage from the conduct of their *Consul*. And indeed he was worsted, for want of military skill, in every skirmish and slight action in which he ventured to engage; in-
 somuch that the soldiers had no longer any confidence in their General, and the General became distrustful of his soldiers. In this extremity he is said (for the thing is not certain) to have written to his Collegue to leave *Samnium*, and hasten to his assistance. *Volumnius* came with all expedition, and the troops of *Appius* were overjoyed at his arrival. But *Appius* himself seemed surpris'd at it, disown'd the letter, and reproached his Collegue with acting dishonourably, in quitting the province assigned him, in order to gain the credit of giving assistance to others who did not want it. *Volumnius* upon this would have immediately returned to *Samnium*, if the Officers of both armies had not entreated him to have no regard to the unaccountable behaviour of *Appius*, but to consider the interest of the Republic, which required his presence in *Hetruria*. 'We are just ready to give battle, and should matters go ill with us for want of your assistance, will it be enquired whether *Appius* treated you with arrogance, or not? No, the *Roman* People will consider only the ill success of the battle,

Y. of R.
 457.
 Bel. J. C.
 295.
 156 Con-
 sulship.
 Livy, B.
 10. c. 17.

Ex tribus
 annalibus
 citatis apud
 Livium, B.
 10. c. 18.

c. 19

Y. of R. battle, and impute it to your too hasty resentments.
 457. The Officers, while they remonstrated these things,
 Bef. J. C. insensibly led both the *Consuls* to that part of the camp
 295. where the soldiers were wont to meet when the General
 156 Con- was to harangue them; and where they were actually
 sulship. assembled. There the two Collegues in longer
 discourses, than before in their more private conversation,
 made their complaints of each other; and as *Volumnius*
 had the better cause, he surpassed himself on this occasion
 in speaking, for he was naturally no Orator. Upon which
Appius could not forbear rallying: 'ROMANS, you are much
 obliged to me, I have made a dumb CONSUL speak.
 In the year 446. I remember, that, the first time
Volumnius and I were joined together in the *Consulate*,
 he scarce opened his mouth for some months: he had then
 no tongue, and now, you see, he is grown even eloquent,
 a perfect Orator. *Volumnius* answered, I should have
 been better pleased if instead of your teaching me how
 to *talk*, I had taught you how to *fight*. The service
 of the Republic requires at present an able General, more
 than a fine Speaker; and if you have a mind to know which
 of us understands better the conduct of an army, *that* may
 soon be decided. There are two provinces, *Samnium* and
Hetruria; make your choice, I am ready to undertake the
 war in either of them.' At these words the soldiers cried
 out, that they should both in conjunction carry on the war
 in *Hetruria*. *Volumnius* answered, Since I have already
 made one mistake, and have misrepresented the intention
 of my Collegue, I should be sorry to fall into another
 by misunderstanding your inclinations. So put the matter
 therefore out of all doubt: If you would have me stay
 here, signify it by an acclamation.' Instantly the army
 gave a general shout, which was heard in the camp of the
 enemy, who immediately took the alarm, and drew up in
 order of battle. *Volumnius* without delay marched out to
 meet them; *Appius* is said to have hesitated a while,
 undetermined whether he should fight or not, till he found
 that his Troops were disposed to follow his Collegue.

in

in defiance of the orders of their own General. But Y. of R. then an emulation for glory, and the shame of being ^{457.} obscured by a rival, roused him to such a degree, that ^{Bef. 7. C.} he exerted himself beyond what could have been ex- ^{295.} 156 Con-
pected. He performed the part of an able and brave ^{ful}ship.
Commander, having first made a vow to *Bellona* to
build her a Temple, in case he proved victorious. The
united *Samnites* and *Hetrurians* were entirely defeated,
and their camp taken and plunder'd.

§. III. THIS victory put an end to the misunder-
standing between the two *Consuls*, and they agreed to
act jointly against *Hetruria*. But *Volumnius*, by an un-
expected event, was called back into his own province. ^{Liv. B. 10.}
The *Samnites*, though so much exhausted, had raised ^{c. 20.}
new levies, spread themselves over *Campania*, and ra-
vaged it; which obliged *Volumnius* (the *Proconsulate* of
Fabius and *Decius* being expired) to hasten to the as-
sistance of the *Campanians*. When he came to the foot
of Mount *Massicus*, in the district of *Cales*, he learnt
that the intention of the enemy (who were encamped
near the *Vulturnus*) was to break up their camp about
midnight, march home, disburthen themselves of their
booty, and then return to make fresh devastations.
Volumnius made so much expedition, that he came upon
them, when they were unprepared for battle, slew six
thousand of them, and recovered all the spoil they had
taken. This success quieted the minds of the People at
Rome, who had been much alarmed at the last enterprize
of the *Samnites*; and they now took into consideration
the proper means to secure *Campania* from the like in- ^{c. 21.}
cursions for the future. It was judged proper to settle
two *Colonies*, one at the mouth of the *Liris*, called the
Colony of *Minturnæ*, the other at *Sinuessa*. However,
the Senate deferred the execution of that design, on
account of matters of greater importance, which at this
time indispensibly required their immediate attention.

C H A P. XXII.

§. I. Q. Fabius is elected the 5th time to the Consulate,
and at his request the Comitia grant him Decius again
Vol. II. K k for

for a Collegue. §. II. A rivalry between the Patrician and Plebeian Ladies for the reputation of strict Chastity. §. III. The Senate decree the conduct of the war against the Hetrurians to Fabius, the Patrician Consul. His Plebeian Collegue Decius appeals from the Senate's decree to the People. §. IV. In an engagement which the Romans have with a confederate army of Gauls and Samnites, Decius, (who commands the Roman left wing) to recover the courage of his troops terrified and broken by the armed chariots of the Gauls, devotes himself to death in the same manner his father had done on a like occasion: after which Fabius obtains a compleat victory. §. V. The Samnites are again routed by the forces of Appius, now Prætor of Rome, and the Proconsul Volumnius. Rome is afflicted by a Plague, and terrified by Prodigies.

Y. of R. §. I. **C**ERTAIN advice came to Rome, that the
 457. Hetrurians had concluded a fresh treaty with
 Bef. J. C. the Samnites, Umbrians and Gauls; and that the armies
 295. of the four nations were already assembled in two
 156 Con- camps in Hetruria, where was only Appius with his
 fulship. troops to make head against them. The Comitia for
 Liv. B. 10. the new elections being soon after held, Volumnius
 c. 21. (who had been recalled from Samnium to preside
 over them) before he took the suffrages of the Centuries, put
 the assembly in mind, that they were that day to elect
 two Consuls who would have four nations to contend
 with; he added, that he doubted not but, in so perilous
 a season, they would choose the ablest General in the
 Commonwealth to the Consulate, otherwise he would
 have named a Dictator. At these words all eyes were
 immediately turn'd again upon Fabius. But when the
 Centuries, first called, had voted for him and for Volumnius,
 he started difficulties, as formerly, and excused
 himself on account of his age. However, he at length
 signified his consent, provided he might again have
 Decius for his Collegue. 'He will be a support to my
 old age. One Censorship and two Consulates, of
 which Decius and I have been already Collegues, have
 made

made me know what a happiness it is to the Commonwealth to have her Magistrates live in concord. It is hard for an old man to suit himself to a new Partner in Power. 'Twill be much easier to communicate my thoughts freely to a friend with whom I am thoroughly acquainted.' *Volumnius* approved of *Fabius's* request, and made a fine encomium upon *Decius*, insisting much 'on the great advantages which would flow from the harmony between two Generals in such strict friendship.' The day being spent in these harangues, the elections were put off to the next, and then *Fabius* * and *Decius* † (though the latter was absent from the assembly) were declared *Consuls*; *Appius* chosen *Prætor*, and *Volumnius* continued in the command of the army in *Samnium*, with the title of *Proconsul*.

§. II. IN this crisis of an approaching terrible war, the People being very superstitious multiplied their public acts of Devotion; and these gave rise to a quarrel among the *Roman Ladies*. In the Ox-market was a temple built to the honour of *Patrician Chastity*; and none of the wives of *Plebeians*, how illustrious soever their husbands might be, were ever admitted into it. However, *Aula Virginia* being herself nobly descended, and being the wife of the *Plebeian Consul Volumnius*, claimed a right of assisting at the ceremonies with the *Patrician Ladies*. And when the latter opposed her pretensions, 'What! said she, is my virtue suspected? Was I meanly born? Or have I married two husbands?' (Second marriages were at this time so great a blemish on the *Roman* women, that it excluded them the Temple of *Chastity*.) But all that *Virginia* could say was to no purpose. She was absolutely refused admittance into the sanctuary. Upon this she formed the resolution of having a Temple dedicated to *Plebeian Chastity*: she divided a part of her own house from the rest, caused an altar to be erected and consecrated in it, and having there assembled the *Plebeian* women of the greatest distinction, complained to them of the pride of the *Patrician Dames*, told them her design, and press'd

Y. of R. them to an emulation with those haughty Ladies in the
 457. point of Modesty and Virtue. This scheme was readily
 Bef. J. C. approved, Ceremonies were instituted and
 295. served, much like those practised in the other Temples
 156 Con- and this fervour continued for some time: but at length
 sulship. women of little merit and doubtful characters being
 admitted into the assembly, it sunk into disgrace, and
 more mention was made of *Plebeian* chastity.

The same year, the *Curule Aediles* (Cn. and Q. *Ognius*) cited some usurers to trial; and the effects of them
 being, by sentence confiscated to the Public, the
 Magistrates purchased, with the produce, brazen gates
 for the Capitol; silver vessels sufficient to furnish the
 Tables in the chapel of *Jupiter*; a statue of this God
 in a chariot drawn by four horses, which was placed
 on the pinnacle of his temple; images of the two infants
 (founders of the city) suckled by a she-wolf. The
 monument they placed at the *Ruminal Fig-Tree*, i. e.
 the place, where had stood the wild fig-tree, under
 which *Romulus* and *Remus* were said (in the fable
 concerning them) to have been carried by the stream.

Y. of R. §. III. WHEN the time came for *Fabius* and *Decius*
 458. to enter upon office, it was natural to suppose that the
 Bef. J. C. latter would be induced by gratitude, as well as by
 294. age and superior merit of his Collegue, to compliment
 157 Con- him with the command of the army in *Hetruria*, with-
 sulship. drawing lots. But as the *Patricians* made it a point
 Liv. B. 10. of honour not to permit any other than *Fabius* to have
 C. 24. the conduct of the *Hetrurian* war, the *Plebeians*, on
 the other hand, would not suffer *Fabius* to have it, unless
 it fell to him by lot, lest the *Patrician Consuls* should
 the future claim a right of choosing their provinces
 and the pacific-minded *Decius* was compelled to go
 the stream of his party. The question being carried

* The *Aediles*, from the same fund, paved with square stone
 a road from the gate *Capena* to the Temple of *Mars*, which was
 from it, at the entrance of the *Appian* way. About the same
 time *Ælius* and *Fulvius* the *Plebeian Aediles*, from the money raised by
 laid on the farmers of the public pasture grounds, entertained
 People with some shows, and presented some gold cups to Cere-

again

ainst him in the Senate, he appealed to the People ^{Y. of R.}
Comitia. There the two competitors pleaded each ^{458.}
 own cause in few words, and more in the language ^{Bef. J. C.}
 Soldiers than of Orators. ‘What! *said Fabius,* ^{294.}
 have I planted a tree, and shall another gather the ^{157.} *Con-*
 fruits of it? It was I who first opened a way into *He-*
truria through the *Ciminian* Forest, till then deemed
 impracticable. To what purpose did the People force
 me, at my age, to put myself at the helm of affairs;
 if they intended to give the conduct of the war to
 another?’ After this he fell by degrees to complain of
 his own choice of a Collegue, who seemed rather to be
 adversary than a friend, and to repent of the concord
 which they had lived together during three partner-
 ships in office. And he concluded with assuring the
 Assembly, that, notwithstanding any thing he had said,
 he pretended to no other right to command in the pre-
 sent war, than what their opinion of his abilities should
 give him; and that as he had submitted his cause to the
 determination of the Senate, he was equally ready to
 abide by the decision of the People.

Decius began his harangue with complaining of the
 partiality of the Senate, who, he said, envied the *Ple-*
tians every degree of honour; he then pleaded the
 established custom of the *Consuls* drawing lots for their
 provinces, after which he thus proceeded: ‘Did the
 question relate only to the honouring of *Fabius*: He
 has so well deserved of the public, and I in particular
 am so much obliged to him, that I should never be
 backward to contribute to his glory, if I could do it
 without shame and disgrace to myself. But who can
 be so blind as not to see, that if, in the case of a dan-
 gerous war, the conduct of it be given to one of the
 Consuls without drawing lots, the other must be
 deemed insufficient, useless, and supernumerary?’
Fabius boasts of his exploits in *Hetruria*, and *Decius* is
 ambitious of being able to boast of the like exploits;
 and perhaps it may be his fortune to extinguish that
 fire which *Fabius* only cover’d, and which has often
 since broke out afresh. As for Honours and Rewards,

Y. of R. 458. ' I shall be ever ready to yield them to my Collegue,
 Y. of R. 294. ' out of respect to his Age and Dignity ; but when the
 157 Con- ' question is of Difficulties and Dangers, I can never
 sulship. ' willingly yield these either to him or to any other.'
 When *Decius* had ended, *Fabius* made only this short
 reply : ' I desire, *Romans*, that before you decide on
 ' the present dispute, you will hear *Appius's* letters read.'
 This said, he left the assembly. *Appius*, in his letters,
 had painted the dangers with which the Republic was
 threaten'd in very lively colours ; and there needed no
 more to induce the *Comitia* to have recourse to the
 surest remedy. The People instantly and unanimously
 determined, that the conduct of the war in *Hetruria*
 should be committed to *Fabius*.

Liv. B. 10. §. IV. AND now all the *Roman* youth were eager
 c. 25. to serve under the command of so able a General.
 But he, either to dispel the public fears by a shew of
 confidence, or to prevent any associates being joined
 with him, declared, that he would take no stronger
 reinforcement to the army, than four thousand Foot,
 and six hundred Horse. With these he marched to-
 wards the camp, which the fearful *Appius* was still
 strengthening with new fortifications. Not far from it
 he met a detachment, sent to cut wood in a neighbour-
 ing forest. ' Whither are you going, soldiers ?' said
Fabius. They answer'd, ' To the forest, for wood to
 ' fortify the camp.' ' What ! cried the General, is it
 ' not already fortified ?' ' Doubtless it is, reply'd the
 ' Soldiers ; and we are surrounded by a double ditch
 ' and a double rampart, yet we are still afraid.' ' You
 ' have wood enough, said *Fabius* ; return to the camp
 ' and level the rampart.' The detachment immedi-
 ately return'd, and put the Consul's orders in execu-
 tion, which much alarmed both the Army and its Ge-
 neral, till the workmen inform'd them, that what they
 were doing was by the command of *Fabius*, who would
 soon be in the camp. *Fabius* arriv'd the same day ;
 and the next *Appius* set out for *Rome* to take possession
 of the *Prætorship*, to which he had been chosen, as an
 employment

employment better suited to his talents and capacity, ^{Y. of R.} than the command of an army.

Fabius observed a quite different conduct from that ^{458.} of his predecessor. Instead of shutting up his soldiers ^{Bel. J. C.} within fortifications, he kept them in continual motion. ^{294.} ^{157.} ^{Cont} ^{fulshp.}

He said, nothing was more healthful for soldiers than a frequent change of place, and to march from one country to another; and indeed he obliged them often to make as long marches as was possible at that time of the year, for the winter was not yet over; and by this means he gave his troops an air of confidence.

But before the season permitted him to enter upon action, he went back to *Rome*, either of his own motion, or by invitation of the Senate. (Some authors say, that *Appius* at his return had made a dreadful representation of the forces of the enemy, and had urged the necessity of sending either *Decius* or *Volumnius* with a second army to his assistance: and they add, that *Decius* had upon this occasion declared it to be his opinion, that *Fabius* ought to be left at full liberty to determine concerning the wants of his army, and the interest of the Republic; and had moved, that he might be sent for to *Rome*, to give his judgment of the state of affairs.) When *Fabius* arrived, he gave ^{Liv. B. 104} such an account of things to the Senate and People, ^{asc. 26.} neither to increase the apprehensions of the Republic, nor to let her sleep in security. As to another General's being joined with him, he said, he should acquiesce in it, on account of the fears of others, not his own, nor because he thought the Republic to be in any danger; but then he desired that *Decius* might be the person. 'How is it possible that I should forget the good intelligence in which we formerly lived: There is no man that I can prefer before him. With him I shall never want forces, nor have too many enemies to deal with. But if my Collegue has other views, and cares not to act in conjunction with me, I am willing that *Volumnius* be sent in his stead.' The Senate, the People, and *Decius* himself left the matter

Y. of R. wholly to the determination of *Fabius*. *Decius* declared,
 458. that he was ready to go either to *Samnium* or *Hetruria*,
 Bef. J. C. as his Colleague judged best; a declaration so pleasing
 294. to the assembly, and which spread such a joy among
 157 Con- them, that they congratulated one another, as if
 sulhip. a victory had been already gained, and they were decre-
 ing their Generals a Triumph, not the conduct of a war.

Before the *Consuls* left *Rome*, they sent away the *Pre-
 consul Volumnius* into *Samnium*, and, in order to cover
 the city on the side of *Hetruria*, directed two camps to
 be pitched, one on the hill *Vaticanus*, close by the *Ja-
 niculum*, the other in the country of the *Falisci*. After
 these regulations they set out for *Hetruria*, and upon
 the road received the news of the total defeat of a *Le-
 gion* which *Fabius* had left under the command of *Sextus*
 near old *Clusium*. A numerous body of those *Gauls*,
 called *Senones*, had surrounded the *Romans*, and cut
 them all off. However, the *Consuls* were not discour-
 aged by this accident. Their army consisted of four
Legions, a good number of *Roman Knights*, a thousand
 Liv. B. 10. *Campanian* Horse, and a body of auxiliaries, more nu-
 c. 27, 28. merous than the forces of the *Romans*. They divided
 it into two parts, and encamped separately, but not far
 from each other, in the plain of *Sentinum*, about four
 miles from the enemy. It is said, that the army of
 the *Gauls* and *Samnites*, who encamped together, con-
 sisted of a hundred and forty three thousand three
 hundred and thirty Foot, and forty six thousand Horse.
 What the number was of the *Hetrurians* and *Umbrians*
 (who jointly made another camp) is not told. It was
 agreed among these Confederates, that the *Gauls* and
Samnites only should engage the *Romans* in the field,
 whilst the *Hetrurians* and *Umbrians* attack'd their two
 camps. *Fabius* had notice by deserters, of this design,
 and in order to disconcert it, and make a diversion, he
 sent directions to the *Proprætors*, *Fulvius* and *Posthumus*,
 who were encamp'd near *Rome*, to march their two armies
 into *Hetruria*, and ravage it. This stratagem had the de-
 sired effect. The *Hetrurians* and *Umbrians* hasten'd to
 the relief of the poor People, whose houses were plunder'd
 and

and lands laid waste; and, during their absence, the *Y. of R.*
Consuls brought the *Gauls* and *Samnites* to a battle. ^{458.}
 This is the first time that we read of armed Chariots ^{Bef. J. C.}
 used in the wars of *Italy*. The *Gauls* surpris'd the *Ro-* ^{294.}
mans, soon after the action began, with this new way ^{157 Con-}
 of fighting. Not only the *Roman* Cavalry, but the ^{ful ship.}
 Infantry too of the left wing, which *Decius* command-
 ed, was disorder'd and entirely broken by them; nor
 could he by his utmost efforts engage his terrified sol-
 diers to rally. In this extremity he remember'd the
 example of his father, and in the very same manner
 devoted himself to the *Dii Manes* to save his army.
 Assisted by *M. Livius* the *Pontifex*, he performed the
 same ceremonies, pronounced the same form of words,
 and rush'd unarm'd among the enemy. The loss of
 the General usually occasions the defeat of his Troops;
 but such was the superstition of the *Romans*, that the
 death of their General, in this way of sacrifice, gave
 them new courage. The *Pontifex*, who was himself *Liv. B. 10.*
 a brave soldier, took advantage of their prejudices, ^{c. 29.}
 put himself at their head, and easily brought them to
 renew the attack, in which they were seconded by
 some troops, sent by *Fabius* from the rear, under the
 command of his two Lieutenants. The fortune of
 the day quickly changed in favour of the *Romans* in
 the left wing.

In the mean time *Fabius*, who had hitherto done
 little more than act upon the defensive, artfully manag-
 ing his troops till the first fury of the *Samnites* was ab-
 abated, now ordered his Cavalry to wheel about, flank
 the wings of the enemy, and be ready to charge upon
 a signal given. He then began to press upon the ene-
 my in front; and as soon as he perceived that their
 strength was greatly exhausted, he made Horse and
 Foot, troops of Reserve, all charge at once; nor could
 the *Samnites* sustain the shock; they fled to their
 camp, leaving the *Gauls* by themselves to make good
 the fight.

To break the *Gauls*, who yet kept their ground,
Fabius detached a body of five hundred *Campanian*
 Horse

Y. of R. Horſe to fetch a compaſs, and fall upon their rear,
 458. commanding the *Principes* of the ſecond *Legion* to fol-
 Bef. J. C. low this detachment of Horſe, and wherever they
 294- ſhould ſee the enemy's ranks broken by them, to preſs
 157 Con- on, and hinder the *Gauls* from rallying. This motion
 ſullſhip. ſucceeded ſo well, that the *Gauls* were at length de-
 feated.

In the mean time *Fabius* forced the camp of the *Samnites*, and made a terrible ſlaughter there. Twenty five thouſand of the enemy were killed in the action of this day, and eight thouſand taken priſoners. Among the former was *Gellius Egnatius*, an eminent *Samnite* Commander, who by his negotiations had brought about the formidable alliance of the four nations. The *Romans* loſt of the left wing ſeven thouſand men, and one thouſand two hundred in the right. The *Conſul's* firſt care, after the victory, was to perform a promiſe he had made in the heat of the battle, to burn the ſpoils of the enemy in honour to *Jupiter the Conqueror*. He then cauſed ſearch to be made for the body of *Decius*, which being hidden under heaps of the ſlain, could not be diſcovered that day, but the day following was found; due Obſequies were performed for the dead Hero, and *Fabius* ſpoke his Funeral Oration.

Liv. B. 10. As for the *Proprætors*, *Fulvius* and *Poſthumius*, they
 c. 30. gained great advantages in *Hetruria*; and the *Proconſul* *Volumnius* obtained a conſiderable victory over the *Samnites* at the foot of mount *Tifernus*. But notwithſtanding all theſe victories, neither *Samnites* nor *Hetrurians* were yet brought into ſubjection. The latter took courage, and aſſembled freſh forces as ſoon as *Fabius* left the country, ſo that he was obliged to lead his army thither again. A new victory obtained over them was the laſt of this Hero's exploits, in the ſtation of Chief Commander.

Macrob. *Fabius* had a ſon whoſe ſurname was *Gurges*, or *The*
 Satur. *Gulph*, an appellation given him on account of his ex-
 B. 3. c. 13. ceſſive intemperance in his youth. This man afterwards corrected his way of living, and though he never equalled his father in any kind of merit, became
 worthy

worthy of Public Offices. He was now *Curule Ædile*, Y. 458. A. and, in order to wipe off the shame of his past excesses, turned a zealous reformer of manners. He brought before the Tribunal of the People, accusations of Adultery against great numbers of women of distinction, who, being convicted, were condemned to pecuniary fines. The money arising from these fines he consecrated to the building of a Temple to *Venus* near the great *Circus*. 157 Con-

§. V. BEFORE the end of this year, the *Samnites* brought two new armies into the field in different places, and even acted on the offensive. Upon which *Appius* the *Prætor* was dispatched from *Rome* to put himself at the head of those troops which *Decius* had commanded, and was ordered to go to the assistance of the *Proconsul Volumnius*. These two Generals having united their forces, defeated the enemy (whom they had constrained to join theirs) in a pitched battle fought in the *Campi Stellates* in *Campania*. The *Samnites* lost sixteen thousand three hundred men.

Rome had never before made war in so many places at the same time with more success. But, in the midst of her rejoicings for such signal victories, she was visited with a dreadful Plague. It was a melancholy contrast, as *Orosius* observes, to behold the Triumphant Procession of *Fabius* often interrupted by Funerals; and the applauses of the People by the lamentations of those who bewailed the dead, or the dying. Oros. B. 3. c. 21.

Prodigies were never in greater plenty than this year. In three days there flowed successively, from the altar of *Jupiter Capitolinus*, three different liquors; the first day blood, the second honey, and the third milk; and in divers places it rained earth. The *Augurs* and *Sybilline Books* were consulted upon these imaginary prognostics, and the joy for past victories was much damped by the present calamity, and by the apprehension of impending evils. Zonaras, B. 6. Liv. B. 10. c. 31.

CHAP.

C H A P. XXIII.

§. I. *The war was carried on against the Samnites with various success.* §. II. *Three of the Lucumonies of Hettruria are reduced to sue for peace.* §. III. *The Samnite war is continued. The Samnites make 16000 of of their soldiers bind themselves by oaths and imprecations to conquer or die. The Romans gain the victory by a new stratagem.* §. IV. *The war breaks out afresh in Hettruria. The Hettrurians are reduced to buy a truce for a year. In this year a Sun-dial is, for the first time, seen at Rome.* §. V. *A new regulation is made relating to the Guardianship of Orphans, and another relating to the Public Games.*

§. I. **T**HE Republic had now been forty eight years in war with the *Samnites*, almost without interruption; and though the latter had been so often vanquished, they did not relinquish the hope of being finally the Conquerors. Four times (says *Livy*) they had been defeated the very last year; they had lost their ablest General; they saw their Allies in the same
Liv. B. 10. c. 31. adverse fortune as themselves; they could neither by their own strength, nor by foreign aid, maintain their ground; yet they did not desist from the war: They were never weary of fighting, even unfortunately, in the defence of liberty: They chose rather to be vanquished than not strive for victory.
c. 32, 33. So considerable were the preparations they made to take the field once more, that the Senate thought it necessary to employ against them both the new *Consuls*,
Y. of R. 459. *L. Posthumius * Megellus* and *M. Atilius Regulus*: But, *Bef. J. C. 293.* *Posthumius* falling sick, *Atilius* was dispatched away without him, to attack the enemy before they could
158 Consulship. get out of *Samnium*. The two armies met just upon the confines of *Campania*: and here the *Consul* was no
**A2dtime* sooner encamped than the *Samnites* formed the bold design of forcing his lines. By the help of a very thick fog they approached the *Roman* camp, surprised

prised the advanced guards, made themselves masters of the *Decuman* gate, and penetrated as far as to the *Quæstor's* tent, where the Military Chest was kept. The alarm reaching to the General's quarters, he awoke, put himself at the head of some *Manipuli*, and, in short, repulsed the enemy, but durst not pursue them for fear of an ambush. Though this enterprize of the *Samnites* did not prove successful, yet the courage with which they had felt themselves animated to make the attempt, gave them new confidence; and they kept the *Romans* so closely shut up, that they could not enter *Samnium*, to live there upon free quarter.

The disadvantageous situation of *Atilius's* army alarm'd the Senate and People at *Rome*; so that *Posthumius*, tho' not perfectly recover'd, thought himself obliged to set out for *Samnium* with the two *Legions* allotted him. Upon his arrival the *Samnites*, being in no condition to make head against two *Consular* armies, decamped in haste, and left their country open to be pillaged. *Posthumius* applied himself to the besieging of Towns, and took *Milionia* and *Truentum*; the latter without fighting.

Atilius met with more difficulties and danger in his expeditions. Having received intelligence that the *Samnites* were besieging *Luceria*, in *Apulia*, he hastened to its relief, but found the enemy in his way. The two armies came to an engagement, in which the *Romans* suffered most; and this misfortune so mightily dejected them, that they passed the night in great uneasiness, expecting every moment to see the enemy approach to force their lines. But it happened on the other hand, that the *Samnites* were no less terrified, and thought only of returning home. The difficulty was how to put their design in execution, because the place where they were posted was a kind of defile and much confined, and the *Romans* were between them and *Samnium*. They resolved at length to go directly towards the *Roman* camp, endeavour to march along by the side of it, and make the plain. The *Consul* imagining that the enemy was come to attack him, gave orders to his

Legions

Y. of R. *Legions* to prepare for battle, and to follow him out of the camp. But though the Officers were ready enough to obey him, the Soldiers were so fatigued and intimidated, that he could not, even by soft words, prevail with them to stir. In the mean time the *Samnites* drew near, and the *Roman* Soldiers pretended to discern, that they were loaded with stakes, as if they meant to form a Palisade round the camp. The *Consul* hereupon expostulated with his men on the disgrace of suffering themselves to be shut up in their camp to starve there; and shame at length made them march out, tho' very slowly and unwillingly. The motion of the *Romans* was a disappointment to the *Samnites*, for they had hoped to avoid a battle; however when they found it necessary to fight, they prepared for it; and thus two coward armies were brought to an engagement entirely against their inclinations. The *Romans* gave ground and would have fled into their entrenchments; but *Attilius* ordering some troops of Horse to the rear of his Infantry, with directions to kill every *Roman* who should attempt to enter the camp, the run-a-ways were hereby brought to rally and renew the fight. The victory at length fell to the *Romans*, after they had lost 7300 men. *Attilius* soon after, in his march homeward, met with a body of *Samnites*, who having made an incursion into the country of the *Volschi*, and brought thence a considerable booty and many *Roman* prisoners, were marching home in great disorder; he cut them in pieces, recovered the booty, and released the captives. After this he returned to *Rome*, to preside at the new elections.

A *Triumph* he was^a refused for two reasons, for having lost so many men in the battle, and for having released his prisoners on the sole condition of their passing under the yoke.

Liv. B. 10. §. II. THE other Consul, *Posthumius*, because he
c. 37. could find no employment for his Troops in *Samnium*,

^a The *Fast. Cap.* give *Attilius* a Triumph over the *Volsches* and *Samnites*,

marched

marched them, without any order from the Senate, in-
to *Hetruria*. Here he defeated the *Volfinienses*, took
Rufella by assault and reduced *Volfinii*, *Perusia*, and
Arretium (three principal cities) to sue for peace. The
Senate granted them a truce of forty years, on condi-
tion of their paying each 500,000 pounds of brass into
the treasury of the Republic. For these exploits the
Consul, without scruple, petitioned the Senate for a
Triumph; not that he expected the *Fathers* would grant
it, but because it was customary, on such occasions, to
make the first application to *them*. Some opposed his
request on pretence that he had not taken the field
early enough; others, because he had left his province
without the Senate's direction. *Posthumius* perceiving
that the members who made these objections were in-
fluenced partly by their enmity to him, partly by their
friendship for the other *Consul* (whom having met with
the like refusal, they would console, by putting his
Colleague on the same foot with him) frankly addressed
the house in these terms: ' *Conscript Fathers*, I shall
' not have my mind so wholly possessed with the re-
' membrance and contemplation of your majesty, as to
' forget that I am a *Consul*. The wars, which I un-
' dertook, I have conducted with success; I have sub-
' dued *Samnium* and *Hetruria*; I have obtained for the
' Republic victory and peace; and now, in right of
' the same authority by which I made war, *I will triumph*.'
This said, he left the assembly. A contest hereupon arose
among the *Tribunes of the Commons*: Some said, they
would *forbid* his *Triumph*, as unprecedented, and of
bad example; others declared they would support him
in his pretension. The affair came at length before the
People; and *Posthumius* was summoned to the Assem-
bly. He put them in mind, ' that the Consuls *Vale-*
' *rius* and *Horatius* *, and lately *Marcus Rutilus*, father * In 304.
' of one of the present Censors, had *triumphed*, not by
' the Authority of the *Senate*, but by *the will of the*
' *People*.' He added, ' That, if he had not known
' that some of the *Tribunes*, meer vassals to the nobles,
' would have employed their *Veto* against his bill, he
' should

Y. of R. 459. ' should have made his first application to the *Comitia*;
 Bef. J. C. 293. ' for that the good pleasure and favour of the *People*,
 158 Con- ' unanimous, did, and ever would, with him, supply
 sulship. ' the place of all Decrees and Commands.' The next
 † *Adversus inter-* ' spite of the † opposition of seven of the *Tribunes*, the
cessionem. ' Consul, aided by the other three, obtained the honours
 of the *Triumph*; and the People solemnized the day
 with extraordinary rejoicings ^b.

* *Fasti.*
Capit.

BY a *Census* taken this * year, the number of *Roman* Citizens, fit to bear arms, appeared to be 262,322. *Livy* transfers this *Census* to the next year, and calls the *Lustrum* that followed it, the nineteenth, reckoning only from the institution (in the year 310) of the *Censorship*; and even then there is the difference of one between his reckoning, and that of the *Fasti*; according to which the *Census* of this year was the twentieth, and the *Lustrum* the thirtieth.

Y. of R. 460. §. III. TO *L. Papirius Cursor* (son of the famous
 Bef. J. C. 292. Hero of that name, five times Consul) and *Sp. Carvilius* were transferred the *Consular Fasces*. *Atilius*, the
 159 Con- late Consul, obtained the *Prætorship*. His Collegue
 sulship. *Posthumius*, to avoid a trial before the People, to which
Liv. B. 10. a certain *Tribune* named *Scantius*, had cited him [pro-
 c. 47. bably for having left his Province without orders] en-
 gaged *Carvilius* to appoint him one of his Lieutenants.

AT this time the *Samnites*, to make another vigorous effort, published a new Law, importing, that whoever, of an age fit to bear arms, should not appear in the field on a summons from the General, or should leave the service without permission, his head should be devoted to *Jupiter*: (*i. e.* it should be lawful for any one to kill him wherever found) and they appointed *Aquilonia* [a town of *Hirpinia* situated between *Beneventum* and *Luceria*] to be the place of rendezvous.

^b *Livy*, at the end of this account acquaints us, that there is no certainty concerning the military actions of this year, or the commanders who performed them; and he mentions some particulars, as related by *Claudius*, others as related by *Fabius*, which are not in the foregoing narrative, but are in some things inconsistent with it.

A numerous

A numerous army being by this means assembled, the General caused to be erected, in the center of the camp, a tent or booth two hundred feet square, covered on the top with linen cloth, and so close on all sides, that nothing of what passed within could be seen by those without. Here Sacrifices were offered according to an *old* Ceremonial, which *Ovius Paccius*, an *old* priest, pretended to have found in an *old* linen book. This rite being performed, the General summoned all the principal men, men distinguished either by their birth or exploits, and introduced them one by one into the tent. Here, to their unspeakable terror, they beheld altars surrounded with slaughtered victims, and *Censurions* standing by with drawn swords, and each person introduced was led to the altars more like a victim, than an assistant at a sacrifice. Immediately was administered to him an oath of secrecy as to every thing he should hear or see in that place; after which he was constrained to pronounce a curse upon himself, his family, and his posterity, if he did not follow wherever the Generals should lead him to fight, if he ever fled himself, or if he did not kill those whom he should see flying. Some of the first refusing to swear, were instantly killed; and their bodies, thrown among the carcases of the victims, were, to those who followed, an effectual lesson to comply. Of the principal men of the *Samnites*, when they had all gone through this Ceremony, the General selected ten, commanding that each of these should, for the service, chuse, out of his acquaintance, the man upon whose bravery he could most rely, and that this man should chuse another of whom he had the like opinion; and so on, each man chosen chusing another, till the number of 16,000 was completed. These were called the *Linen-Legion* (*Legio Linteata*) from the covering of the Tent where the Nobility were sworn; and they had finer helmets and

* This seems to be the meaning of *Livy's* words; *Decem nominatis ab imperatore, eis dictum, ut vir virum legerent, donec sexdecim millium numerum conficerent.*

Y. of R. bucklers than the rest of the Troops, amounting to above
 460. 20000, who, nevertheless, made a fine appearance.

Def. 7. C. While these things were doing, *Carvilius*, at the head
 292. of the army which *Atilius* had left near *Interamn*,
 159 Con- made his way towards *Samnium*; and his first exploit
 fullbp. was the taking of *Amiternum*, a city of *Sabinia*, be-
 Liv. B. 10. longing to the *Samnites*. *Papirius* in the mean time
 c. 39. hastened the new levies at *Rome*, and, as soon as his
Legions were compleat, entered upon action. He took
Furconia (*Livy* calls it *Duron*) in the neighbourhood
 of *Amiternum*, and then joining his Collegue, they went
 together to ravage that part of the *Volscian* territory,
 which was under the domination of the *Samnites*. After
 this, *Carvilius* prepared to lay siege to *Cominium*, in the
 extremity of the eastern part of *Samnium*; and *Papirius*
 marched to *Aquilonia*, where the main strength of the
Samnites was assembled.

PAPIRIUS, after some slight skirmishes with the
 enemy, acquainted his Collegue, by a messenger, that
 he intended to give battle the next day, in case the
Auspices were favourable; and desired him to press the
 siege of *Cominium* vigorously, that no detachments might
 be sent from thence to strengthen the *Samnite* army.
 Then calling his Troops together, he exhorted them
 'not to fear the enemy for the extraordinary methods
 'they had taken to make themselves valiant;' told
 them, 'That Oaths, extorted by fear and violence,
 'would never give true courage;' put them in mind of
 his father's victory over a *Samnite* army, which had
 'made themselves fine, as these had done, with proud
 'Crests to their Helmets, and magnificent Bucklers.'
 Animated by these words the soldiers with one voice
 called out to lead them to battle: Nay, so universal
 was the desire of coming to an engagement, that one
 of the *Pullarii*, or Keepers of the *Chickens*, made a false
 c. 40. report of their behaviour, and declared, that they had
 leapt presently out of their cage; and fed so greedily as
 to let some of their meat drop out of their mouths upon
 the pavement: Good omens these, but the facts were
 Tripudium
 Solistimum. not true. The General seemed overjoyed at the Au-
 gury,

gury, and ordered preparations to be made for fighting. When, the next day, he had assigned his several officers their posts, and had made all the proper dispositions to charge the enemy, his nephew *Papirius*, a youth born in an age (says *Livy*) when men were not yet acquainted with that philosophy which teaches a contempt of the Gods, discovered to him the error he was in; and he did this at the instigation of some *Roman* Knights, who had overheard the keepers of the *Chickens* disputing about the *Augury* of that day. The General answered, 'I commend your pious zeal and care: but if the *Augur* has given a false account, the vengeance will fall upon his head alone. The *Augury*, as reported to me, was good and fortunate for the *Roman* People.' He then commanded, that the Keepers of the *Chickens* should be placed at the head of the first line; and, before the two armies came to a close engagement, he who had made the false report was killed by an unknown hand [probably by order of the *Consul*.] The news being brought to *Papirius*, he pretended to consider it as a stroke from heaven: 'The Gods are with us,' he cried, 'their vengeance has spent itself on the guilty head.' In the beginning of the action the *Samnites*, especially those who had bound themselves by oath not to fly, made a vigorous resistance; till on a sudden they perceived at some distance a cloud of dust, such as is wont to be raised by the march of a considerable army. This dust was caused by the servants and muleteers of the *Roman* camp, whom *Papirius* had ordered one of his officers to mount upon mules and beasts of burden, and lead them, together with some *Manipuli* of the allies, by round-about ways to the top of a neighbouring hill, from whence they were to fall upon the enemy in the heat of the battle. These troops had provided themselves with branches of trees, which they had trained along the ground to raise the greater dust. Nothing could be seen but the tops of some standards and lances, and something like cavalry, which seemed to flank a body of infantry on each side. Both armies

Y. of R.
460.
Bef. J. C.
292.
159 Con-
sulship.

Val. Max
B. 7. c. 2.

Liv. B. 10.
c. 41, 42.

Frontin.
Strat. B. 2.
c. 4.

Y. of R. were deceived by this appearance; and, the better to
 460. carry on the deceit, *Papirius* himself pretended to be
 Bef. 7. C. surprised, and cried out with an air of joy, 'COMI-
 292. NIUM must certainly be taken, and my Colleague is
 159 Con- fulship. 'come to my assistance. Courage, soldiers, let us
 'make haste to gain the victory, before another army
 'can arrive to share the glory of the day.' Then
 making the signal for his Cavalry to charge, they in-
 stantly gave the reins to their horses, drove full speed
 through the files of the Infantry (that widened and
 made room for that purpose) upon the enemy's Bat-
 talions, and quickly put them to the rout. Twelve
 thousand *Samnites*, according to *Orosius*, were slain:
 but, according to *Livy*, above thirty thousand; and
Aquilonia, whither most of the fugitives fled for shelter,
 was soon after taken.

It is recorded (says *Livy*) that *Papirius*, whether from
 natural temper, or from a confidence of success, shewed,
 in the important battle of this day, a cheerfulness,
 such as had hardly ever been seen in any other General
 on a like occasion. From the same strength of mind it
 was, that a doubtful *Augury* could not divert him from
 fighting, and that, in the heat of action, when it was
 customary for commanders to vow temples to the Gods,
 he only vowed, that in case of victory, he would make
 to *Jupiter* a Libation of wine mixed with honey, before
 he tasted wine himself. The Gods were pleased with
 the vow, and turned the bad omens to good.

Liv. B. 10. §. IV. CARVILIUS was preparing to make a
 c. 43, & vigorous attack upon *Cominium*, according to the a-
 seq. greement between him and his Colleague, when he re-
 ceived a letter which *Papirius* had wrote to him before
 the battle, with notice that the *Samnites* had sent away
 a large detachment of their army to relieve the place.
 Upon this news he dispatched *Brutus Scava*, with
 the first *Legion* and twenty *Cohorts* of auxiliaries, to
 meet the *Samnite* reinforcement, with orders to amuse,
 or fight them, wherever he should find them. In the
 mean time, with the rest of his army he gave an assault
 to the town, and took it. The besieged, to the num-
 ber

ber of 15400, surrender'd at discretion, 4380 had been slain. Y. of R. 460.

Such was the success at *Cominium* and *Aquilonia*. Both these towns were given up to the soldiers to be plundered, and then were burnt. The two detachments did not come to an engagement; for that of the *Samnites* being recalled when within seven miles of *Cominium*, *Brutus Sæva* did not meet with it. Bel. J. C. 292. 159 Con- sulship.

After these conquests, the two armies encamped together, but in a council of war it being judged expedient to push the advantages gained over the *Samnites*, to the total reduction of them, by taking the rest of their cities, *Carvilius* went to lay siege to *Volana* (in *Lucania*, near Cape *Palinurus*) dependent doubtless on the *Samnites*; and *Papirius* to attempt the conquest of *Sepinum*, a town situated at the foot of the *Apennines*, near the head of the *Tamarus*.

The news of the great success of the *Roman* arms in *Samnium* was the more agreeable at *Rome*, as an account came at the same time, that the *Hetrurians* were beginning to take arms again; which account was soon after confirmed by deputies sent from some cities in alliance with the Republic. Nor was this all; the *Falisci*, who were the nearest neighbours to *Rome* on the side of *Hetruria*, revolted, and joined the enemy. It was necessary therefore to recall one of the *Consuls*, with his army, from *Samnium*; they were order'd to cast lots for the conduct of the *Hetrurian* war, and it fell to *Carvilius*, who by this time had taken *Volana*, *Palumbinum*, and *Herculaneum* from the *Samnites*. Liv. B. 10. c. 45.

Papirius, after the departure of his Colleague, took *Sepinum* by assault, and gave the booty to his soldiers. He then return'd to *Rome*, full of glory, in the month of *February*, and was honour'd with a *Triumph*. The rich spoils taken from the *Samnites* made his procession very magnificent. *Papirius* had brought away from the conquer'd countries 2,533,000 pounds weight of brass, and 1330 pounds weight of silver. But though these riches swell'd the pomp of the victor's *Triumph*, c. 46

* Between 6 and 7000 *l.* Sterling.

- Y. of R. he lost the good will of his soldiers, by giving all into the public treasury. And the People's discontent was yet greater, when a tax came to be laid upon them to pay his troops, which might have been satisfy'd by distributing among them a part of that wealth. *Papirius* on this occasion dedicated a Temple (to *Quirinus*) which his father, when Dictator, had vowed. He adorned it with the fine spoils taken from the *Samnites*.
- Plin. B. 7. c. 60. Upon this Temple was also fixed a Sun-dial, the first ever seen at *Rome*. *Anaximenes the Mileſian* had many years before, as *Pliny* tells us, discovered this secret, but the invention had not reached to *Rome*. The *Romans* for a long while marked only the rising and setting of the sun; afterwards they observed the hour of noon, but in a very gross manner. When the sun shined between the *Roſtra* and the house appointed for the reception of Ambassadors, one of the *Consul's* heralds used to proclaim with a loud voice, that it was mid-day. But now they could mark the several hours of the day; and the Water-clock, invented soon after, enabled them to reckon the hours of the night.
- Liv. B. 10. c. 46. As soon as *Papirius* had triumphed, he left *Rome* again to lead his troops into the territory of *Vesſia*, which the *Samnites* still infested, and there he passed the rest of the winter. In the mean time *Carvilius*, in *Hetruria*, took *Troilium* by assault, and reduced the *Falisci* to sue for peace. He granted them however no more than a year's truce, and for that he made them pay dear. After this he returned to *Rome*, and had a Triumph. He brought with him 390,000 *Asses* of brass for the public treasury, without reckoning a considerable sum which he reserved to build a Temple to *Fortune*. And he gave besides to each private soldier of the Foot 102 pounds of brass, and twice that sum to each Centurion and Horseman; a small present, but well received, and which the remembrance of *Papirius's* parsimonious conduct made still more agreeable; and by this means he became popular enough to prevail with the People to drop the prosecution, which the Tri-
- 1259l. 7s. 6d. Arbuthnot. 6s. 7d. Arbuthnot.

bune Scantius had begun against *Posthumius*, one of the ^{Y. of R.} *Consuls* of the last year. ^{460.}

§. V. IT was probably at this time that *Atilius*, the ^{Bef. J. C.} other *Consul* of the last year, now *Prætor*, made a new ^{292.} law relating to *Guardianships*. The *Twelve Tables* had ¹⁵⁹ not provided for those orphans, whose fathers died ^{fulship.} intestate, and who had no near relation to take upon him the guardianship of them. The *Atilian Law* or ^{Ulpian de} *Tutelis* ^{Tutelis.} *Orphans* should by a plurality of voices assign such *Orphans* a *Guardian*. At the same time the *Curule Ædiles* published an ordinance, that those who had received crowns, as the rewards of their military exploits, might ^{Liv. B. 10.} wear them at the public *Games*; and that *Palm-branches* ^{c. 47.} should be put into the hands of the victors in those *Games*.

C H A P. XXIV.

§. I. Q. *Fabius Gurgus* (son of *Fabius Maximus*) is chosen to the *Consulate*, tho' his father had opposed his promotion. Through his ill conduct, he is shamefully vanquished in a battle with the *Samnites*. Old *Fabius* serves under his son the remainder of the Campaign, which proves successful. §. II. The Romans, to put a stop to the *Plague*, send *Ambassadors* to bring from *Epidaurus* the God *Æsculapius*, worshipped there under the form of a *Serpent*. §. III. The God arrives. The haughty behaviour of *Posthumius* one of the *Consuls*. He succeeds in the war, but is punished at his return to *Rome*. §. IV. The *Consul* *CURIUS DENTATUS* (a Hero famous for living in a voluntary poverty) reduces the *Samnites* to ask *PEACE*. §. V. He reduces *SABINIA* to a state of subjection to the Republic. He is accused of imbezzling some of the spoil taken from the enemy. §. VI. Colonies are sent into the conquered Cities. To relieve the *Prætor* of *Rome*, three new Judges are created to try *Malefactors*. The cruelty of a *Creditor* to his *Debtor* occasions a new *Secession* of the *People*. The *Patricians* are obliged to make concessions. *Fabius Maximus* in his old age is named *Dictator*, to finish the accommodation. He soon after dies.

Y. of R. §. I. **P**APIRIUS held the *Comitia* for the election of
 461. *Consuls*. The choice fell upon two men of small
 Bel. 7. C. abilities for war, *Q. Fabius Gurgēs* (the son of *Fabius*
 291. *Maximus*) and *Junius Brutus Scæva*. It is undoubted,
 160 Con- that *Fabius* the father opposed the promotion of his son ;
 sulship. but it is very uncertain for what reason ; whether, as
 Liv. B. 10. *Valerius Maximus* thinks, from a Republican principle,
 c. 47. *Kal. Max.* and because he thought it of pernicious example to
 B. 4. c. 1. have one family loaded with so many honours, he hav-
 ing himself been promoted to that dignity ; or whether
 on account of some domestic quarrel, or whether be-
 cause he judged his son unqualified for so high a station.
 Oros. B. 3. *Rome* being at this time visited with a Plague, which
 5. 22. made terrible havock, this, together with the incapacity
 of the new *Consuls*, encouraged the *Falisci* to break
 their truce, and the *Samnites* to take arms again, and
 spread themselves over *Campania*. It fell to *Brutus's* lot
 to march into *Hetruria* against the *Falisci*. The Repub-
 lic, to supply his defects, appointed *Carvilius* to be his
 Lieutenant, and by his assistance the *Consul* made a
 successful expedition.

But on the other hand, *Fabius Gurgēs*, having all the
 fire of the *Fabii* without their usual prudence, rashly,
 and without drawing up his troops in order of battle,
 engaged with the *Samnites*, and lost three thousand men,
 he himself escaping only by the favour of the night.

The account of the ill conduct of *Gurgēs* so exasperated
 the public against him, that the Senate were going to
 remove him from the command of the army ; but then
 the zeal of *Fabius Maximus* for the honour of his family
 was roused, and he undertook his son's cause. With-
 out excusing the precipitate conduct of the *Consul*, he
 desired the assembly to pardon it, in consideration of
 the many victories which he himself had formerly ob-
 tained for the Republic. He represented to them, that
 his son's disgrace had not been owing to a want of
 bravery, but to youthful imprudence, which time and
 experience might correct. And lastly, he offered to
 go and serve under his son, and promised soon to repair
 the loss which the State had suffered by his son's mis-
 manage-

Eutropius,
 B. 2.
Zonaras,
 B. 8.
Liv. Epit.
 11.
Dio Coccei-
anus in ex-
cerptis à
Valesio.

management. The People accepted this offer, and Y. of R. were appeased.

Fabius Maximus accompanied his son into the field against the *Samnites*, in quality of his Lieutenant, and not only assisted him with his advice, but when in a battle, which was soon after fought, the *Consul* following the impulse of his courage, and eager to recover his honour, had indiscreetly penetrated too far among the enemy, and was surrounded by them, rescued him out of their hands by his personal bravery. So gallant an action, in a man of his years, animated the *Roman Legions* to exert themselves with more than ordinary vigour, and they soon put the *Samnites* to the rout. Twenty thousand of the enemy were slain, and four thousand taken prisoners; among the latter was their famous General *Pontius Herennius*, who had commanded them in this and the former battle.

§. II. THE joy at *Rome* for so compleat a victory would have been much greater, if it had not been clamped by the Plague, which still continued to make dreadful devastation. In this distress the *Romans* had recourse to the usual remedy, Superstition. The *Sybil-line Books* were consulted, and it was there read, that to put a stop to the pestilence, the God *Æsculapius*, adored under the form of a Serpent, must be brought to *Rome* from *Epidaurus*, a City of *Peloponnesus*. An Embassy was accordingly appointed for that purpose.

§. III. THE time for the new Elections drawing on, and the *Consuls* being both in the field, a *Dictator* was named to hold the *Comitia*; but his nomination being found defective, the Government fell into an *Interregnum*; and then *Posthumius* (the very same man who had so lately escaped a condemnation) holding the assembly, contrived to get himself elected * one of the new * *Consuls*. With *Posthumius* was joined *Junius Brutus*.

Posthumius, now the third time *Consul*, and as proud in office as he had been ambitious in procuring to himself the *Consular* dignity, disdained to draw lots with his *Plæbeian* Collegue for their provinces. He insisted upon

Y. of R. upon having the Command of the army in *Samnium* and *Brutus* finding that his Collegue had a power party in the Senate, consented to command in *Hetruria*.

462: Ref. J. C. 290. Con- without waiting for a decree.

161. fulship. About this time the God *Æsculapius*, that is to say, a tame Snake, which the Roman Ambassadors had bought of the Priests belonging to the Temple at *Epidaurus*, arrived at *Rome*, to the great joy of the People and the Plague is said to have soon after ceased.

Suidas in *Posthum.* *D. Hal.* in excerptis
p. Valefio.

History

* *Æsculapius* was a native of *Messene*, a city of *Peloponnesus*. As soon as he was born, his parents exposed him in the midst of a forest where he was found by some hunters. These had compassion on him and caused him to be suckled by a bitch. When he was old enough to be capable of instruction, he was committed to the care of the famous *Cbiron*, who taught him Physic, or, if you will, Surgery; and the two arts were then confounded. The disciple soon excelled his master, and being grown an able Physician, settled at *Epidaurus*, a city of *Argia*, and practised his art there. It must be granted, that *Æsculapius* made some discoveries in the cure of diseases and wounds. He is said to have invented the *Probe*; to have first made use of *Bandages*; and to have been the first who invented *Purges*, and the art of drawing *Teeth*. And as he lived in an age wherein it was usual to deify those who distinguished themselves by any useful discoveries, the People were pleased to call him the son of *Apollo*, and to rank him among the Gods. After which he soon had a Temple erected to him in *Epidaurus*; which was built upon an eminence without the city, because the most airy and wholesome situations are most suitable to the God of *Health*. There the Priests, who presided over the worship of this new God, bred one of those snakes, which are easily tamed, and taught to follow any persons where they please, without any danger of being bit by them; and the silly vulgar honoured this Snake as the God himself. His usual hole was under the feet of the fine stone statue of *Æsculapius*, which the famous sculptor *Thrasymedes* of *Paros* had made; and whenever he came out of it, his appearance was understood to prognosticate the cure of the sick. The Envoys of *Rome* were brought into this Temple, to which the love of life drew all *Greece*, and which gratitude for cures imagined to be there obtained, had exceedingly enriched. *Ogulinus* was at the head of the embassy: and it is probable the *Epidaurians* made the *Romans* pay very dear for the relief they sought; their reputation and interest being then very small in *Greece*. Be that as it will, the *Epi-*

* The particulars concerning *Æsculapius* are taken from *D. Hal.* in excerpt. à *Valefio.* *Laëtant.* ex *Tarquinto*, *Cicero* de nat. Deor. B. 3. *Plut.* in *Quarit. Rom.* *Pausanias*, *Antib.* de *Vir. Illust.* c. 22. *Ovid Met.* B. 15. *Val. Max.* B. 1. c. 8. *Pliny*, B. 29. c. 1.

daurians

History says nothing of any exploits of *Brutus* in *He-* Y. of R.
truria. But young *Fabius*, who had been continued in 462.
the command of the army in *Samnium* in quality of Bel. J. C.
Proconsul, being assisted by his father (who governed 290.
161 Con-
and fullship.

daurians granted their request, and suffered them to carry away with them the important Snake. It is reported as a prodigy, that the Snake came out in sight of the Ambassadors, whilst they were attentively viewing the statue of *Æsculapius*: and that he left the Temple of *Epidaurus* of his own accord, and winding his great body along, passed all thro' the city, and went directly to the port where the Roman ship was at anchor. To which it is added, that he entered the vessel of his own accord, went directly to *Ogulinus's* cabin, and curling himself into several circles, continued quietly there. An account which is neither incredible nor miraculous, if we suppose (which might have been the case) that the master of the Snake, who had tamed him, went before him to the ship. Besides, this was not the first time that one of these Snakes had been taken out of the Temple of *Epidaurus*. The *Sicyonians* had already carried one from thence to their city, in a chariot; and an unknown woman, named *Nicagore*, had conducted him thither. Thus the impostures of the *Greeks* furnished the nations, who were willing to be cheated, with *Æsculapius's*; and thus the *Romans*, among others, were bubbled by them.

The other adventures of the pretended *Æsculapius*, in his passage from *Epidaurus* to *Rome*, have been celebrated both by the Historians and Poets. They relate, that the Ambassadors experienced the good effects of the God's presence in their voyage, it being exceeding prosperous and happy. Nevertheless, the sea became boisterous towards the coast of *Italy*, and the violence of the winds forced the seamen to put in at the port of *Antium*, where there was a Temple dedicated to *Æsculapius*. The Snake had hitherto confined himself to *Ogulinus's* cabin; but here he escaped, and gliding along came to the court of the sanctuary where he was worshipped. This place was planted with Myrtles and Palm-trees, and the pretended *Æsculapius* got upon the largest of those trees, and twisted his long body round it. For three days it was much feared that the divine animal would continue there; all endeavours to bring him back to the ship proving vain. It availed nothing to offer him his usual food; he continued three days twisted round the Palm-tree. But at length he returned to the galley of his own accord. *Antium* was at no very great distance from the mouth of the *Tiber*; and up that river the snake was carried to *Rome*. The joy the *Romans* shewed at the arrival of this salutary God is not to be expressed. Altars were erected all along the shore; and incense and sacrifices offered, even to profuseness. While the citizens expected soon to receive the God within their walls, and were thinking to build him a temple there, he is said to have chosen his own abode. In the midst of the *Tiber*, over against the walls of *Rome*, was an island, formed in the infancy of the Republic, by straw, trunks

Y. of R. and directed all his motions, without letting him perceive it) had already reduced the Canton of the *Pen-^{462.}trini*, and was besieging *Cominium* (an important Town. ^{290.} formerly taken and burnt by *Carvilius*, but since rebuilt by the *Samnites*) when *Posthumius* prepared to enter *Samnium* with a new Consular army. Before he left *Rome*, he employed a detachment of his troops in the servile work of grubbing up a forest on his own estate: and he proceeded in the same spirit of tyranny when he came into the field. He sent orders to the *Proconsul* to desist from the siege of *Cominium*, and to leave that enterprize to his conduct. Young *Fabius* had received his commission from the Senate; and the *Fathers* supported his pretensions, and commanded the *Consul* to bend his forces another way; but *Posthumius* bade the messenger tell the Senate, ‘ That it was their duty to obey ‘ their *Consul*, and not his to submit to their commands.’ He then marched strait towards *Cominium*, resolving to give the *Fabii* battle, if they did not yield to his will. *Fabius Maximus* prevailed with his son, for the sake of the public good, to give way to the imperious *Consul*. And then *Posthumius* having a clear stage, and being a man of courage and expedition, soon made himself master of *Cominium*. Thence he turned his arms against *Venusia*, which he likewise took in a short time. In the

trunks of trees, sand, and the rubbish of the city; and thither the Serpent retired, swimming gently through the water. From that time it was called the *Island of Æsculapius*; and a Temple was soon erected to him there, and enriched with numberless presents. The Temple was built in the shape of a ship; the higher part of it resembled the stern, and the lower part the prow. But whatever the Historians say of it, it is very uncertain whether the plague was not stopped before the Serpent arrived; and if we believe *Pliny*, who gave no credit to vulgar traditions, the *Romans* themselves would not suffer this *Æsculapius*, who had been brought from beyond sea, to be placed within their walls. He says, they had an aversion to Physicians and their art, and despised even *Æsculapius* himself, the prince and head of Physicians. Nevertheless, the Temple of this God of Health was very much frequented by the Commonalty of *Rome*; the sick came and passed the night in it; and imagination, or the strength of nature, sometimes wrought cures there, which were ascribed to the power of the God. C. & R.

letter

letter which he wrote to the Senate to inform them of ^{Y. of R.} his success, he proposed that a *Colony* might be sent to ^{462.} the last-mentioned place, and his proposal was ap- ^{Bef. J. C.} proved; but the *Fathers*, who preferred Obedience to ^{290.} Valour, took occasion from it to humble him. Instead ¹⁶¹ of appointing him, agreeably to custom, to be one of the founders of the new *Colony* in the City he had conquered, they named three others, and allowed him no share in that honour; nay, to mortify him yet more, they decreed young *Fabius* a Triumph. *Pontius Herennius*, that famous *Samnite* General who surpris'd the *Roman Legions* in the *Caudine Forks*, and made them pass under the Yoke, now followed the Chariot of the Triumphant Conqueror. (He was afterwards, by an ^{Plut. in} inhumanity unworthy of *Romans*, condemned to lose his ^{Fab. Cunct.} head.) But the most surprising sight of all was old ^{Val. Max.} *Fabius* on horseback in his son's train. He had formerly in his own Triumphs carried his son in the Chariot with him; and he was now overjoyed to mingle in the croud, and make one of his attendants. ^{B. 5. c. 7.}

As for *Posthumius*, when he found himself treated with so much contempt, and his rival so much honoured, he not only declaimed with passion against both Senate and People, but did all that was in his power to revenge himself. He would not give the least part of the booty brought from the two conquered Cities into the public Treasury, but distributed it all among his soldiers, and then disbanded them before his successor could arrive. Some Historians say, that notwithstanding these extravagant proceedings, and the opposition of the Senate, he obtained a Triumph by a decree of the People; but this is highly improbable, since it appears by what followed soon after, that the People were no less exasperated against him than the *Fathers*. For the succeeding *Consuls*, *P. Cornelius Rufinus* and *Manius Curius Dentatus*, were no sooner entered upon office, than he was ^{D. Hal. in} brought to a trial before the *Comitia by Tribes*. His chief ^{excerptis à} accusation turned upon his having employed his soldiers ^{Valesio.} in a slavish work for his own private profit; a crime ^{Y. of R.} which touched the People much more than his disobedience ^{463.} ^{Bef. J. C.} ^{289.} ¹⁶² ^{Con-} ^{fulhip.} ^{Livy,} ^{Epit. 1.}

Y. of R. 463. dience to the Senate: They condemned him to pay a considerable fine; and his reputation continued for some time blasted.

289. §. IV: THE *Samnites* having lost their brave General and able Governor *Pontius*, were no longer in a condition to oppose the progress of the *Roman* arms. *Curius Dentatus* laid waste their country, took their towns, and, in short, obliged them to sue for peace: The Republic consented to a treaty of alliance with them for the fourth time, and left the conditions of it to *Curius*.*

Plut. in Apoph. Val. Max. B. 4. c. 3. Pliny, B. 19. c. 6. This *Consul* was remarkable for living, without ostentation; in that voluntary Poverty, which some Philosophers have with great vanity cried up and recommended. The *Samnite* Deputies found him sitting on a sorry wooden seat near a fire, dressing his own dinner, which consisted only of some roots; and they offered him a present of a considerable sum of Money. *Curius* expressed his indignation by a disdainful smile. 'Without doubt, said he, my indigence makes you hope that you may corrupt me: But you are mistaken. I had rather be the commander of rich men, than be rich myself. Take away that metal, which men make use of only to their destruction, and go tell your nation, that they will find it as difficult to bribe me, as to conquer me.' A treaty being concluded upon such conditions as *Curius* thought fit to prescribe, he return'd to *Rome* to triumph. And never did the People express more joy than upon this occasion, being at length freed from the care and burthen of a dangerous war, which had lasted forty nine years. The conqueror, in the distribution of the conquered lands

Nico. Damas. in excerptis à Valefio. * It is uncertain what sort of Government was in use among the *Samnites*; but it is most probable that they were divided into Cantons, and annually assembled a Diet, where resolutions were taken for the public good. In time of war they chose a Head, who was invested with Sovereign Authority. It is said, that the *Samnites* had one very singular custom in relation to Marriages. Every year, all the marriageable young men and women were assembled before certain judges, who matched them according to their merit. C. & R.

among

ong those *Romans* who had none of their own; pre-Y. of R.
 led to have no more than seven acres, allotted to 463.
 h man; and accepted no more himself; though a Bef. J. C.
 ich larger portion was offer'd him. He said; that to 289.
 -serve the *Roman* frugality, it were to be wished 162 Cori-
 at no man had more land than was necessary for his fulship.
 fistence. Author
 de Viris
 Illust.

§. V. THE conquest of *Samnium* was followed by c. 33:
 e reduction of the *Sabines* to a state of subjection, Plut. in
 o had been almost ever since the foundation of *Rome* Apoph.
 on the foot of allies, and had been govern'd by
 eir own laws. They had fear'd that the ruin of
 e *Samnites* would affect their own liberty; and had
 erefore not only lent them assistance, but had ravaged
 part of the *Roman* Territory. *Curius* entirely subdued Florus, B.
 ern; but the *Romans*, in regard to old friendship, I. c. 15.
 ated them gently, and admitted them to *Roman* Ci- Liv. Epit.
 -zenship, yet without the right of suffrage. For the 11.
 nquest of *Sabinia*, *Curius* had a second Triumph de-
 eed him the same year; an honour which had never
 en granted to any of his predecessors in the Con-
 late.

The eminent virtues of this Philosophical Hero did
 t secure him from envy: There were not wanting
 ose to whom his reputation of disinterestedness gave
 fence, and they endeavour'd to cast a stain upon it.
 hey accused him of having applied a part of the
 oty taken from the enemy to his private use. The
 cufation being general, he was put to his oath; and
 en he confessed, that he had reserved a little wooden Author.
 l-vessel for making libations to the Gods, but pro- de Viris
 sted that he had kept nothing more: He was believ- Illust.
 l; and the malice of his accusers served only to c. 33.
 ighten the lustre of his virtue. Before the expiration
 his *Consulship*, he led an army against the *Lucanians*,
 nd obliged them to raise the siege of *Tburium*, the
 habitants of which had implored the protection of
 e *Romans*, and had gained *Ælius* (one of the *Tribunes*) Pliny, B.
 o be their friend. This Town was situated near the 34. c. 6.
 ulph of *Tarentum*.

§. VI. THE

Y. of R. §. VI. THE same *Comitia* which chose *M. Valerius C.*
 464. *vinus* and *Q. Cædicius Noctua* to be *Consuls* for the
 Bel. J. C. new year, appointed *Curius Dentatus* to carry on the
 288. war in *Lucania* in quality of *Proconsul*. His expedition
 163 Con- prov'd successful; and he thereby establish'd the Ro-
 sulship. man domination through almost the whole extent
 the country that reaches from the *Adriatic* to the
Tyrrhenian and *Sicilian* seas. The new *Consuls* em-
 Liv. Epit. 11. ploy'd their year altogether in works of peace, and
 in sending out *Colonies*; particularly to *Adria*, a mar-
 time Town, which some say gave name to the *Adri-
 atic* sea; *Castrum* in *Picenum*, and *Sena*, another City
 on the *Adriatic*, at the mouth of the *Seno* in the country
 of the *Senones*.

Festus and *Pomponius de Origine Juris.* At this time the *Romans*, finding that the *Prætor* alone was not sufficient to preserve good order in the City in a time of peace, when malefactors always multiply, the People appointed three new Judges to try delinquents, and pronounce sentence without appeal. But their power of punishing extended only to pecuniary fines; the People would not divest themselves of the sole power of life and death. These new Magistrates were chosen annually in the *Comitia* by *Tribes*. The number of *Roman Citizens* fit to bear arms, appear'd, by a *Census* taken this year, to be two hundred and seventy three thousand.

Liv. Epit. 11. And now, when all was quiet abroad, new disturbances were raised at home, and the poor Debtors began again to murmur against the rich Usurers. This spark of dissension was blown up into a flame in the
 Zonar. Annal. B. 8. Y. of R. 465. Consuls of *Q. Marcius * Tremulus* and *P. Cornelius*
 Bel. J. C. 287. *† Arvina*, on the following occasion. *T. Veturius*, one
 164 Con- of those unfortunate *Consuls*, who in the year of Rome
 sulship. 432 had been surpris'd in the *Caudine Forks*, died insolvent. His son, a youth of great beauty, and virtuously educated, borrowed a considerable sum of C.
 * A 2d time. *Plotius*, his father's chief creditor, to defray the ex-
 † A 2d time. pence of his father's funeral. Being afterwards press'd to pay, and having neither money nor credit, he
 D. Hal. in excerptis a Valefio. was forced to submit to slavery, and to work for his
 Val. Max. creditor.
 B. 6. c. 1.

creditor in order to discharge the debt. *Plotius* con-
ceived a detestable passion for the young man, and
treated him unmercifully for his virtuous resistance.
Veturius one day, when his body was all bloody with
stripes, made his escape out of the house, got upon an
eminence, shewed himself to the People, and publish'd
the infamy of his tyrant. The People laid hold on the
occasion to decry the Usurers, and to demand the abo-
lition of the law, which subjected those to slavery, who
could not pay. This law had been repeal'd before up-
on a like occasion in the year 427, but the *Patricians*
had got it renewed. As for *Plotius*, he was cited by
the *Tribunes of the People* before the *Centuries*, and con-
demned to death.

In the following *Consulship* of *M. Claudius Marcellus*
and *C. Nautius Rutilus*, the People kept no longer any
measures with the *Patricians*. They insisted upon the
abolition of the law before mentioned, and finding the
rich obstinate in opposing it, they made a *Secession* upon
the hill *Janiculus*, on the other side of the *Tiber*. The
city being thus left destitute of artificers and labourers,
and no provisions being brought thither from the pro-
vinces (for the country people had likewise their com-
plaints) the *Patricians* and rich *Citizens* found themselves
under a necessity of making concessions, and they
named *Q. Hortensius* Dictator, to negotiate with the
Separatists. The terms of reconciliation were, the
repeal (doubtless) of the law in question, and the strict
observation of two laws, made in the year 414, but to
which the Nobility had paid no regard. 1. 'That the
Plebiscita [*the Decrees made by the Commons at the*
request of their Tribunes] should be observed by the
Patricians as well as *Plebeians*. 2. That laws should
first pass the *Senate*, and be brought afterwards to
the *Comitia*, to be there approved or rejected, and
not *vice versa*.' The complaint of the country people
was, 'That they could not get their causes heard by
the Judges on Market-days, when they came to
Rome, but were obliged to leave their work, and re-
turn thither again.' This was rectified; But when

Y. of R. these several articles of reconciliation were drawn up.
 466. and the storm began to be appeased, *Hortensius* died of
 Bef. J. C. a sudden, before the expiration of his *Dictatorship*. It
 286. being necessary therefore to create another *Dictator*, to
 165 Con- complete what he had begun, the *Consuls* nominated
 sultship. the illustrious *Fabius*, who now, in an extreme old age,
 Fragmen- was President or Prince of the Senate. He happily fi-
 tum nished the accommodation; and this was the last pub-
Fast. Capit. lic scene in which he appeared. He died soon after.
 Author. The Republic had considered him in his life-time as a
 de Viris prodigy of *Roman* Valour, Prudence, and Virtue; and
 Illustr. c. now upon his death, the People contributed to the ex-
 32. pence of his obsequies with so much emulation, that
 his son, with the victims offered at his funeral, gave a
 public entertainment to the whole City.

Y. of R. *Fabius*, while *Dictator*, had (probably) presided in the
 467. *Comitia*, when *M. Valerius Potitus* and *C. Ælius Pætus*
 Bef. J. C. were chosen *Consuls*. Their year proved barren of re-
 285. markable events; but the Republic was never more
 166 Con- happy than under their administration. The People
 sultship. having gained the highest pitch of their desires,
 thought only of enjoying the sweets of tranquillity.
 The balance of power lean'd now rather to their side;
 and the *Patricians* had no advantage over them, but in
 the great riches they had acquired, while they kept the
 ascendant, and in that respect which naturally is paid to
 persons of high birth.

END OF THE SECOND VOLUME.

**This book is under no circumstances to be
taken from the Building**

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